

# Workshop Program

**Tuesday 17 July 2018 commencing at 6.15pm**

Prospect Town Hall, 126 Prospect Road, Prospect

**Workshop Chair: Cate Hart, Chief Executive Officer**

## Workshop Opening

- Apologies – Mayor D O’Loughlin & Cr A Harris
- On Leave

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## Meeting Close

## Workshop Guidelines

The following details provide an overview of the procedures to be observed:

1. The Workshop will be held on the first and second Tuesday of each month, other than January of each year, between the hours of 6.15pm and 9.30pm (commencing with a light meal for elected members and staff), for the term of the Council or until the Council determines to discontinue the Workshop structure.
2. The need for extraordinary Workshops will be assessed and determined by the CEO.
3. The Workshops will be held in the Reception Room, Civic Centre, 128 Prospect Road, Prospect SA 5082.
4. The time, date and location may be subject to change by the CEO where necessary.
5. The Workshops will be open to the public and media. Notice of a Workshop and the program for a Workshop is to be placed on the Council's website.
6. A confidentiality declaration may be determined by either the Council or CEO in accordance with Council's Informal Gatherings Policy.
7. No decisions will be made at the Workshops. There will be the opportunity for discussion and questions and answers only, and the provision of guidance to the Administration.
8. The CEO or proxy will convene and chair the Workshop to ensure the smooth running of the meeting. The proxy will be determined by the CEO on a needs basis.
9. All Elected Members will be encouraged to attend.
10. The CEO will ensure the Program and papers for the Workshop, which will include Agenda items for the following Council Meeting, will be provided to members by the Friday preceding the Workshop to allow time for members to read the reports and prepare their questions prior to the Workshop.
11. Notes will be made of the general issues and items covered by the Workshop, given that no decisions can be made, and distributed to Elected Members for information.
12. The format for the Workshop may vary on a meeting by meeting basis and could include training, planning, presentations, and discussions.
13. The format for the Workshop will be determined by the CEO.
14. External parties may make Presentations/deputations to the Workshop, subject to prior agreement by the CEO.
15. Elected Members, employees and consultants will be required to disclose any financial and/or conflicts of interest in matters to be discussed. The disclosure of such interest and participation in the Workshop will need to be made as if the matter was considered in accordance with the Local Government Act 1999. A record of the disclosures of interest will be made and maintained by the CEO.

## Workshop Protocol

The protocols are a set of guiding principles that aim to achieving enhanced, meaningful engagement of members and to facilitate an equal and equitable participation of all members.

The individual members commitment to active listening and disciplined talking, displaying both courtesy and respect to other members is paramount.

1. The Chair ensures that every members' input is heard and not overlooked or lost, and will enforce a limit on speakers' time when it is best required.
2. No rank and/or officer position of administrative or governance authority recognised within the workshop (except for the Chair), and protocols are enforced when deemed necessary.
3. Members and staff are to be addressed by their first name and not by their title of office they hold.
4. Discussion must be focussed on the issues and matters being the subject of discussion.
5. One member speaking at a time is a right, and must be enjoyed by all members.
6. Interrupting another member speaking is not desired and members are encouraged to exercise restraint for the benefit of all concerned. Equally, there should be no dialogue between members and person(s) in the gallery that interrupts the workshop discussion.
7. No ridicule, blame or shame to be expressed and/or exchanged during the workshop and care should always be taken with the words used in debate.
8. Problems and solution expressed by members are a healthy part of the discussion and may lead to positive outcomes, and should not be frowned upon but rather encouraged.
9. Although it is not a decision-making forum, it is an important part of ensuring a well-informed and enhanced decision-making process for Council.
10. The imperatives for a successful conduct of these workshops are that all members need to work together, displaying courtesy and respect to each other.

It is important that all members recognise the above list of protocols is not about rules; protocols are a set of guiding principles that are agreed on and committed to by all participating members.

## Notes from previous workshop

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### Notes from Workshop 10/07/2018

- Chair:** Cate Hart, Chief Executive Officer
- Present:** D O'Loughlin, K Barnett, T Evans, A De Backer, A Harris, M Standen, M Lee, M Groote
- Apologies:** M Larwood

### Notes from previous workshop held on 03/07/2018

- Taken as read.

It is noted that the Workshop commenced at 7pm after Special Council Meeting and a Confidential Item.

The Workshop Program was amended to present the CLIC item only. The Local Government (Boundary Adjustment) Amendment Act 2017 will be presented Tuesday 17 July 2018.

### 1. CLIC Chamber Event Space Fitout

Nathan Cunningham introduced Michelle Male, Jo Kaesler from JPE and Luigi Rossi from JAA to present further elements of CLIC that are yet to be resolved, including the Chamber event space, furniture, layout, final lighting preferences and external lighting for Town Hall. Ben Footner from Library Services was also in attendance to talk through management's vision for the operations of Level 1 of CLIC.

#### Council Chamber / Event Space – Level 1

- The brief of the level one area was to incorporate public use as a bookable space, and act as Council Chambers with appropriate layout and formality
- The design options presented, illustrated various layout modes including:
  - Council Chamber/ Meeting Room Mode
  - Meeting Room/ Workshop Mode
  - Meeting Room/ Business Breakfast Mode
- Meeting room layouts and furniture arrangements were discussed

#### Furniture

- Two table designs were proposed based on previous feedback:

##### *Table Option 1*

#### **Custom table design with Corian top and solid timber base**

- Design elements feature permanent use and a non-stackable function
- Castors aid for table arrangement purposes/ flexibility
- Tables can configure into a hexagon shape and avoid separate corner sections

##### *Table Option 2*

#### **Proprietary Table System – Conference X by Walter Knoll**

- Proprietary table system with customisable finishes
- Fully stackable table system
- Requires two-person assembly
- No castors
- Corner sections available for Council Chamber mode or circular setup

#### Discussion from Elected Members

- A Proprietary Table system was well received and is the preferred option, although the suggested system was not supported by all elected members
- The table designs fit the brief in terms of versatility and functionality
- General feedback requested a combination of tabletops with a rounder hexagon design

- There was desire to create a space with relative formality for Council meeting, but also be more interactive for Workshops and consideration is needed on how to manage the pre-Council dinners (meeting room and breakfast mode arrangements were discussed)
- Some EMs expressed a desire for raised shelf area in front of each member however this was not supported by the majority (discounted in respect to additional storage and impact on flexibility of layouts)
- DDA advice will be requested in relation to compliance of table tops/ heights

*Outcome: Option 2 was positively received, but general sentiment concluded to explore further designs*

### **Executive Chair Options**

- Three chair options designs were proposed:

#### ***Option 1: Executive Chair***

##### **Lapalma Uno – Zenith Chair**

- Non stackable chair
- Slight bucket chair design
- Furniture store will fit 18 non stackable chairs and 1x trolley for public use
- Tilt option feature and chairs fitted with castors
- A range of colours and fabrics available (green chair/ sample was available to try)
- Chair design not covered in original budget

#### ***Option 2: Executive Chair***

##### **Conference Chair Sola - Wilkhahn**

- Non stackable chair
- Taller back design with lumbar support and straight arm rests
- Furniture store will fit 18 non stackable chairs and 1x trolley for public use
- Tilt option feature and chairs are fitted with castors
- A range of colours and fabrics available (grey chair/ sample was available to try)
- Chair design not covered in original budget

#### ***Option 3: Executive Chair***

##### **Finasoft Conference Easy Chair Cantilever – Zenith**

- Stackable chair up to 3 high
- Furniture store will fit 6 groups of stacked chairs and 1x trolley for public use (leaving room for some tables in furniture store)
- Chairs are not fitted with castors and are not height adjustable
- A range of colours and fabrics available (not available to try)
- Chair design not covered in original budget

### **Discussion from Elected Members**

- It was deliberated whether chairs could stay out for permanent public use
- Chair selection was discussed in terms of management of storage area
- Chair size/ girth was recognised as important design feature
- Consensus was for chairs to fit the hexagon shape table arrangement
- It was noted wooden floors would be protected from the castors as a rubber element would be added to the wheels

*Outcome: Option 2 (grey chair) was best received in terms of comfort and design. However it was requested existing Council chairs be considered for reuse in the new facility, or another similar alternative be presented that meets the budget and is adequately storable.*

*(It was noted the existing Council chairs are to be reused within the meeting spaces of the facility if not retained in the Chamber/Event Space)*

### **Meeting Room – Ceiling Plan**

Acoustic ceiling and lighting samples were presented for the central ceiling zone

- Black ceiling finish with perforated MDF panels (colour will tie into downstairs area)
- Recess in ceiling for lights, mechanical and fire services
- Lighting selections to include recessed down lights and black can lights
- Dimmable zone lighting

- Drop down projector screens
- Product samples were provided for Elected Members

#### Discussion from Elected Members

- It was requested the lighting be designed with council layout in mind so consideration is given to shadowing and screen locations
- A larger projector was suggested as more purposeful for space activation – *JPE to check with the AV specialist in relation to having two identical projectors in the room*

#### Meeting Room – Internal Elevations

- Pleated leather doors and wall lining
- Powder coated black custom handles
- Kitchenette sliding door
- Furniture store and AV cupboard sliding doors
- Customised graphic timeline wall of City of Prospect history/ story
- Port holes and one signage port hole within access doors

***Outcome:** Do not support the extent of the pleated leather panels, however the idea was supported with leather being a feature in the design. A 'scaled back' option was requested that still provides a quality finish. The vision panels in the doors were generally supported. The graphic timeline wall was not supported in this space, however the opportunity to ensure Council's art collection can be displayed was supported.*

#### Lighting Design – Upper Ground

- Wooden pendant lights and floor lamps
- Track lighting in Gallery and Library
- Directional spotlights to window gallery and airlock
- Brass wall lights to elevator (light bulb design)
- LED strip light to feature at bulkhead

#### Lighting Design – Level 1

- LED panel light within ceiling grid
- Recessed downlights to meeting rooms and history nook
- Can lights to recess strips
- Track lighting to public study area
- Task lighting to study benches around void

***Outcome:** Several light combinations were presented, with the overall fixture designs received positively. Response to the light bulbs near the lift suggested to explore further, (representing a 70s style). Feedback requested a consistent theme of warm and welcoming with a comfortable ambiance. Recommendations indicated furniture would add warmth to the configuration and layout of the room.*

#### External Lighting to Town Hall

- Four external lighting designs were proposed:

##### ***Option 1: Up-down light mounted to wall***

- Placed on Town Hall plasterwork or stonework
- Defines the detailed features of the building
- Provides a balanced and modest strip of light

##### ***Option 2: Wider beam up-down light mounted to wall***

- Provides wider length of light across the building

##### ***Option 3: Spot light mounted away from building***

- Positions light evenly onto the front facade

##### ***Option 4: In ground LED linear light***

- Provides various colours and shading
- Very bright and attracting
- Lights will be recessed into the pavement

**Outcome:** *The consensus favoured a potential combination of option one and option four for versatility and style. To be further refined.*

### **Town Hall Finishes**

- Three existing chandeliers in the Town Hall to be retained
- Colour palette suggested:
  - Painted walls – White Duck Half (ivory white)
  - Door panel features – Dulux Duck White (cream)
  - Skirting, wall trims and architraves – Dulux Lexicon Half (bright white)
  - Painted steel portal and glass frames – Dulux Charcoal Satin (black)
- Perforated panel with colour to match adjacent wall (cream)
- Existing Jarrah Floor
- Proposed neutral acoustic preheated panel
- Curtains for Town Hall

**Outcome:** *The combinations of the white colour palette were suggested as being stark, and lacking the inviting and cosy feel. Consensus was for a deeper wall colour which could possibly tie in with the stage, wall lighting or curtains (currently black but open to options of strong colours). Contrast of colours within the ceiling was suggested as a further feature. Some elected members expressed a view that the overall discussion has not resulted in a warm and cosy outcome for the facility.*

Ben Footner, Manager Library Services presented his vision for the operational use of space of the Level 1 area which is part of the Library in CLIC, noting some great similarities to how the current 'reading room' area of the Thomas Street Centre functions.

- It is expected the Ground Floor will be the active space and Floor One to be the more passive space although still with a high amount of pedestrian traffic
- Every customer and every usage type has been catered for within the overall area (a great feature of CLIC that not all Library redevelopments get right)
- From a collections perspective are looking to house some of the lower turnover collection as this will assist with resourcing the space eg. A Non-fiction section that fits the theme of the upstairs space
- The area will have CCV surveillance to ensure the space is safe, however it won't require active patrolling

### **Questions and discussion from Elected Members**

- Will there be computer setup for e-newspapers? *This is problematic due to NewsCorp approach (requires individual payment to access) and will depend on the delivery model, however are looking to have newspapers in other languages.*
- How will visitors be directed? *Appropriate signage will be installed and staff will likely wear name badges or uniforms to clearly identify customer service and library staff. There will also be training development for staff in relation to overall customer service and some cross skilling*
- Has there been scenario testing? *Yes and there is opportunity for a directory to assist the customer experience. Eg. The planning area is being transitioned now towards an appointment-only basis; there is change in the management of customer service*
- When will the library hours and other details be presented to Elected Members? *Customer Service information and Library works will be presented as part of the Corporate Services process of undertaking Service Reviews. Those outcomes will be discussed in August 2018 to start the discussion on operating hours*
- Is the JP Service part of the Service Review? *Currently the JP system is a number/ wait system, in the new building visitors will be able to utilise the library space when waiting, however other options can be explored such as a buzzer system (like Chemist Warehouse) where customers can roam around and take advantage of the rest of the great facilities on offer*

Following the Council Workshop four Elected Members emailed to express a preference for the floor covering on level one to be carpet (Note: Council passed a resolution on floor coverings in April 2018).

Workshop closed at 9:37pm

## Workshop Items

### 1. Green Tunnel Street Tree Canopy Coverage + Urban Street Tree Guide

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**Responsible Director:** Simon Bradley, Director Infrastructure & Environment

**Expected Duration:** 60 minutes

**Presented by:** Simon Bradley, Director Infrastructure & Environment

Administration has undertaken a survey of all streets within the City of Prospect. This survey identified the "green tunnel" (i.e. 70% and more canopy coverage) street tree coverage in all streets is currently at 68%. This information is currently being analysed and provided to the Resilient East Project as well as assisting in the development of Council's draft Urban Street Tree Guide.

#### Resilient East Project

City of Prospect, being a member of Resilient East Project has identified actions and milestones in accordance with the Resilient East Baseline Report 2017, specifically addressing: Heat Mapping; Canopy Cover; Street Tree Species Review; and Water Sensitive Urban Design.

A draft mission statement has been developed as part of the Project:

*Resilient East Councils will increase canopy and green cover by a minimum 20% by 2045 to create cooler more liveable places for comfort, amenity and urban biodiversity.*

A regional approach for canopy and green cover assessment, canopy mapping and review cycle is being investigated with key stakeholders such as: SA Health; DPTI; EPA; and SA Water. This approach has the potential to significantly reduce the costs of future five yearly updates for councils by up to 60%.

This project is a key step towards the implementation of the Resilient East Climate Change Adaptation plans prepared by councils as part of South Australia's Climate Adaptation Framework. Other councils involved in the study include: City of Adelaide; City of Burnside; Campbelltown City Council; City of Norwood, Payneham & St Peters; City of Salisbury; City of Unley; Town of Walkerville; and City of Prospect.

#### Regional Heating Mapping

An aerial flyover for day & night heat mapping for the City of Prospect and other ERA Councils has been completed and the task of data processing is being undertaken to produce the thermal maps and provide the information for case studies and the final Report.

The data collected by the flyover will provide Council with facts and data to identify on-ground projects to reduce the effects of urban heat islands. It will also be used to work with private landholders, businesses and developers, and encourage them to put in more trees and green infrastructure on private land.

#### Urban Street Tree Guide (Draft)

Council staff is developing a draft 'Urban Street Tree Guide'. This Guide will replace Council's '21st Century Street Tree Manual'. The Guide aims to significantly improve and increase the number and health street trees through a coordinated approach to their provision and management.

This Guide will dictate future budget allocations in terms of a proactive Street Tree Planting Programs.

This Workshop will provide an analysis and update on the abovementioned projects as well as a program to progress this initiative.

**Attachments:**

Nil

## 2. Local Government (Boundary Adjustment) Amendment Act 2017 - Boundaries Commission Draft Guidelines

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**Responsible Director:** Ginny Moon, Director Corporate Services

**Expected Duration:** 60 minutes

**Presented by:** Jo-Ann Tanti, Manager Governance & Administration

### Background

In June 2016 the Local Government Association released a Discussion Paper outlining the implementation of Local Government Boundary Changes. In August 2016 the *Local Government (Boundary Adjustment) Amendment Bill 2016*, accompanied by an explanatory paper, outlined the proposal to amend boundary adjustment provisions as set out in the *Local Government Act 1999*.

The *Local Government (Boundary Adjustment) Amendment Act 2017* will commence on 1 January 2019. The Local Government Grants Commission (LGGC) will take on the role of Boundaries Commissioner, as an independent body, to provide an analysis of significant boundary change or amalgamation proposals by investigators with relevant expertise.

The LGGC have written to each Council seeking comment on the draft guidelines, detailing the process by which it will receive, assess and progress council boundary change proposals. Council Members are provided the LGGC – Boundaries Commission Draft Guidelines, accompanied by the Boundary Reform Explanatory Paper (Attached).

Council Officers will highlight key points identified within the draft guidelines, including how they may be utilised to facilitate a boundary adjustment, during the evening's workshop session, seeking feedback to be included in a response for Council decision in July, to the LGGC and LGA.

### **Attachments:**

- LGGC - Boundaries Commission Draft Guidelines
- Boundary Reform Explanatory Paper

### 3. 2018 Local Government General Election – Caretaker Policy

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**Responsible Director:** Ginny Moon, Director Corporate Services

**Expected Duration:** 60 minutes

**Presented by:** Jo-Ann Tanti, Manager Governance & Administration

The 2018 Local Government General Election nomination period opens on Tuesday 4 September 2018, once the nominations close on Tuesday 18 September 2018, Council will enter the caretaker period, continuing until the elections close, when the results have been declared.

The *Local Government (Elections) Act 1999* requires each Council prepare and adopt a caretaker policy to govern the conduct of the Council and its staff during the election period. Section 91A of the Elections Act stipulates that the caretaker policy must at a minimum prohibit the making of certain designated decisions by the Council during an election period.

There are three elements to this prohibition:

- (a) a decision of the Council;
- (b) during an election period;
- (c) which is a designated decision.

This session will provide definitions and examples of designated decisions, those decisions exempt from this provision and decisions concerning the use of Council resources.

The LGA model caretaker policy has been prepared on the basis of meeting the minimum legislative obligations, including additional discretionary provisions which Council may choose to adopt in accordance with Council preferences.

An overview of the Elections Communications Plan will be presented at the Workshop.

**Attachments:**

- Current City of Prospect Caretaker Policy
- LGA Model Caretaker Policy
- LGA Caretaker Guidelines 2018
- Council Elections Communications Plan Summary

## Future Workshop and Council Agenda Items

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Members may seek advice as to the purpose, or intended resolutions planned for the next Council meeting. These items are subject to change.

### Council Meeting 24/07/2018

- Borrowings and Financial Arrangements Report
- Investment Report
- Review of outstanding Council Resolutions
- Strategic Plan to 2020 Information Report
- Angwin Avenue – Traffic Investigation
- Rose Street/Myrtle Street Carpark and Events Traffic Support
- Boundary Adjustment Reform Legislation - Feedback to Local Government Grants Commission (LGGC)
- Mayoral Monthly Report
- Project Update - CLIC
- Local History Digitisation Project Summary
- Planning and Design Code - Response to DPTI Discussion Paper
- Azalea Street Public Realm Upgrade
- Community Consultation for Road Naming – Prospect 1838 Development Stage 1
- Periodic Legislative Delegations Review
- Rate Capping Report

### Council Workshop 07/08/2018

- CLIC Wayfinding, Signage and Branding + operations of CLIC L1
- Depot Relocation Feasibility Study

### Council Workshop 14/08/2018

- Community Service Awards Review
- Service Review - Customer Services and Library
- Proposed Motions to LGA AGM

# Explanatory Paper

*Local Government (Boundary Adjustment) Amendment Act 2017*

March 2018



Government of South Australia

Department of Planning,  
Transport and Infrastructure

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## INTRODUCTION

The *Local Government (Boundary Adjustment) Amendment Act 2017* (the Amendment Act) reforms the legislative provisions that govern how council boundaries can be changed under the *Local Government Act 1999* (the Act).

### Legislative framework

The legislative framework that underpinned the Amendment Act was based on review work undertaken by the Office of Local Government (OLG) and the Local Government Association (LGA), as overseen by the Premier's State/Local Government Forum. The Act therefore reflects the principles and processes for local government boundary adjustments and reform that were endorsed by the LGA Board and the Premier's State/Local Government Forum.

To give effect to the framework, the Amendment Act amends Chapter Three, Part Two of the Act to allow for a more efficient process to progress minor boundary changes, and to enable freer debate and discussion on more significant boundary change proposals. The legislation will commence on 1 January 2019.

### Key elements of the Amendment Act

The Amendment Act removes the limitations and inefficiencies in the current boundary change processes contained within the Act. Some of these include current restrictions on who can initiate reform proposals, burdensome procedural requirements and the necessity for two or more councils to agree with reform proposals from members of the public.

The key elements of the Amendment Act are—

- a simpler and broader initiation process, allowing proposals to be initiated by a single council or the Minister for Local Government;
- the introduction of a simplified pathway for administrative (minor) proposals;
- establishing the Local Government Grants Commission (the Commission) as an independent Commission to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister; and
- independent analysis of general proposals—significant boundary changes, amalgamations or significant structural reform—by one or more investigators with the relevant expertise for each proposal.
- an independent analysis of significant boundary change or amalgamation proposals, by investigators with expertise relevant to each proposal.

A simplified flowchart outlining the Amendment Act's procedures for boundary change proposals is included in Attachment 1.

## THE PROVISIONS OF THE AMENDMENT ACT

### Part 1 – Preliminary

Part 1 of the Amendment Act contains preliminary information about the short title of the Amendment Act, commencement (the Act will come into operation on a day to be fixed by proclamation – 1 January 2019) and amendment provisions.

### Part 2 – Amendment of *Local Government Act 1999*

Part 2 of the Amendment Act contains provisions to amend the *Local Government Act 1999* (the Act).

#### ***4—Amendment of section 4—Interpretation***

The Amendment Act provides for the establishment of the Local Government Grants Commission as the independent Commission (the Commission) to oversee the investigation of proposed boundary changes.

The Commission’s chief role will be to—

- assess proposals to determine their validity and significance;
- oversee a simple, essentially administrative process for the assessment of minor administrative proposals;
- appoint one or more investigators to undertake detailed work on major proposals; and
- provide recommendations to the Minister for Local Government at the completion of these processes.

#### ***5—Amendment of section 8—Principles to be observed by a council***

The LGA requested additional amendments to the Act to support the development of effective regional governance models in local government. The Amendment Act therefore includes an additional principle to be observed by councils relating to regional collaboration.

#### ***6—Amendment of section 26—Principles***

Section 26 of the Act contains principles that must be considered when decisions about boundary changes are made. This section emphasises the importance of ensuring that boundary changes enhance the capacity of local government to deliver results to local communities in a more strategic and effective way.

The Amendment Act removes the provision that it is advantageous (but not essential) to amalgamate whole areas of councils (with associated boundary changes, if necessary), and to avoid significant dislocations within the community. The Amendment Act also includes a new principle for boundary change, where consideration will be given to regional activities that may offer a viable and appropriate alternative to boundary change.

## Division 4—Procedures for proposals

### **27—Preliminary**

This section includes definitions under this Division, including new definitions for administrative proposals, general proposals, proposals and proposal guidelines. The definition of eligible electors is also included, however, this is the same definition as the current Act.

An elector is a person, body corporate or group of persons enrolled on the voters roll for a council. In the case of a proposal to alter the boundaries of two or more councils, eligible electors are those whose place of residence or rateable property is either within the area of the receiving council or the affected area.

The Amendment Act provides for the Commission to prepare and publish on a website guidelines that will set out procedures for inquiries. Guidelines will also be prepared that will specify consultation requirements and detail the process by which the Commission will determine the cost of an investigation that is undertaken as required by section 32B. Section 32B requires councils to resource the investigation of proposals that they initiate.

The guidelines may provide for any other matter the Commission thinks appropriate.

### **28—Commission to receive proposals**

This section relates to the referral of proposals to the Commission.

The initiation of council boundary change proposals is currently restricted to two or more councils in agreement with each other, both Houses of Parliament, or members of the public. South Australia is the only State which does not allow the Minister to initiate proposals. It is also the only jurisdiction where council-led proposals must be agreed to by all councils involved before there can be any wider debate or discussion on these proposals.

The Amendment Act therefore provides for a broader range of initiation powers by allowing proposals to be submitted to the Commission by—

#### Resolution of either House of Parliament

The Amendment Act provides for one or both Houses of Parliament to submit a proposal to the Commission (as is currently the case).

#### The Minister for Local Government

Allowing the Minister to make an application for boundary change aligns the initiation process in South Australia with other jurisdictions. It also has the potential to allow consideration of a wider range of potential options and ideas.

Council(s) or members of the public may also ask the Minister to initiate a proposal on their behalf.

### Councils (including single councils)

The Act allows a boundary change proposal to be made by a single council. This may also increase the accessibility of boundary reform processes to members of the public as each affected council would not be required to agree to a public initiated proposal for it to be submitted to the Commission.

### Members of the Public

The provisions relating to the types of proposals referred by eligible electors are consistent with the current Act. Members of the public can submit a proposal to the Commission to consider boundary alterations, changes in the composition of a council or its representative structure, or the inclusion of unincorporated land into a council, however they cannot initiate a council amalgamation or the creation of a new council.

The Amendment Act provides that a public initiated proposal may be referred to the Commission by a prescribed percentage or number of eligible electors. It is expected that the prescribed percentage would be 10 percent. This figure was supported during consultation on the draft Bill. The inclusion of a prescribed percentage ensures that a representative sample can initiate a proposal.

The Amendment Act also replaces the currently separated public and council initiated processes with a single application process, irrespective of the initiator of the proposal.

Proposals must set out in general terms the nature of the proposal and comply with any requirements published by the Commission.

### ***29—Commission to deal with proposals***

These provisions set the framework by which the Commission receives and assesses a proposal, in order to determine whether to proceed or not. They also provide the direction for the Commission to undertake an investigation as the legislation requires.

The Amendment Act enables the Commission to refuse to inquire into a proposal if it is considered to be vexatious, frivolous or trivial; or if it is not considered to be in the public interest; or if it is the same or substantially similar to a proposal already inquired into; or if there is some other good reason to refuse to inquire into the proposal. For example, a proposal should not be used to express dissatisfaction with the services a council provides.

The Amendment Act also gives the Commission flexibility to deal with proposals. For example, the Commission may deal with similar or competing proposals that are referred to it.

### **30—Inquiries—administrative proposals**

The Amendment Act introduces a simplified pathway for minor administrative proposals, including—

- to facilitate a development that has been granted an authorisation under the *Planning, Development and Infrastructure Act 2016*<sup>1</sup>;
- to correct an anomaly that is, in the opinion of the Commission, generally recognised e.g. where the boundary intercepts one or more privately owned properties;
- where the common boundary of two or more councils requires adjustment following the physical realignment of a common road;
- a proposal to incorporate vacant unincorporated land into a council area;
- any other matter prescribed in regulation.

For proposals of this nature, the Commission would conduct an inquiry, provided that a reasonable amount of consultation is conducted in accordance with any guidelines published by the Commission. As the process for administrative proposals is more streamlined, the Amendment Act recognises that there will be communication between the Commission and the Minister on these proposals.

The Commission would then prepare and publish a report on the inquiry that includes the Commission’s recommendations and provide a report to the Minister. The Minister may then determine whether the proposal should proceed or not.

### **31—Inquiries—general proposals**

The Amendment Act provides for an independent analysis of major proposals (for example, significant boundary changes or amalgamations) by one or more investigators consisting of expertise that is determined to be necessary for each proposal.

For these general proposals, the Commission can appoint one or more investigators to undertake a detailed inquiry into the proposal. However, the Commission must appoint investigators when a general proposal is referred to them by either the Minister or by resolution of either House of Parliament.

The Amendment Act also provides appropriate flexibility in appointing investigators—more significant proposals will require a number of investigators, whereas relatively straightforward proposals may be completed ‘in house’ (for council initiated proposals), or may only require a single investigator.

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<sup>1</sup> Note: The Commission will not be involved in legislative planning processes. Development applications and authorisations are separate matters under the relevant planning legislation. In order for a proposal to be treated as an administrative proposal, it would need to be referred to the Commission following the conclusion of the development approval process.

The Commission must seek to ensure, as far as is reasonably practicable that the qualifications, knowledge, expertise and experience of a particular investigator are relevant to each inquiry. The Commission must also consult with affected councils when appointing the investigator(s).

In addition to the principles set out in section 26 of the Act, an inquiry must consider—

- the financial implications and impact on resources that the proposal is likely to have on any council affected by the general proposal; and
- the extent of support for the general proposal and boundary reform in the area within the community affected by the general proposal; and
- the extent of support for the general proposal of any council affected by the general proposal; and
- the impact of the various rights and interests of any council employees affected by the general proposal; and
- any other principles prescribed by regulations.

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations. The requirement for the Commission to publish the report ensures that the Commission's advice to the Minister, and the decision making that then follows, is fully transparent.

The Amendment Act provides for the Minister to send the report back to the Commission for reconsideration in accordance with any suggestions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister. The Minister may then determine whether a proposal recommended by the Commission should proceed.

### ***32—Notification of outcome of inquiries***

Following the completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission must also notify the person or body who referred the proposal to the Commission, any council affected by the proposal, and any registered industrial association that represents the interest of employees of councils.

If a general proposal recommended by the Commission does not proceed to a proclamation after completion of all relevant procedures, the Minister must to prepare a report on the matter and cause copies of that report to be laid before both Houses of Parliament. This is consistent with the current Act.

### ***32A—Powers relating to inquiries***

The Amendment Act sets out the powers of the Commission or an investigator when conducting an inquiry. These powers enable the Commission or an investigator to obtain information determined to be relevant to an inquiry.

As the content of proposals could be very serious, the powers available to the Commission parallel this seriousness. Without such powers, the information used to develop the Commission's recommendations and the Minister's consideration of those recommendations could be seriously impacted. These common powers are similar to other investigation panels.

### **32B—Costs**

The Amendment Act provides for the Commission to recover reasonable costs of an inquiry in relation to a general proposal referred to the Commission by a council or councils as a debt due from the council or councils.

A council or councils will only incur costs for the general proposals that they refer themselves. If a council, or a number of councils feel that a proposal they are considering is of value to the State more widely, then they can request the Minister to progress it on their behalf.

If a proposal is referred to the Commission by the Minister, costs related to work needed on proposals initiated by the Minister will be the responsibility of the State Government.

All costs associated with the investigation of administrative proposals will be borne by the State Government.

The Amendment Act requires guidelines that will detail the process the Commission will use to determine the cost of an investigation that is undertaken. The Commission will advise of expected costs and any alterations to a proposal prior to commencing an investigation.

This provision facilitates the sending of an invoice and the usual enforcement mechanisms. It provides the Commission with a mechanism to ensure that a council will pay any invoice for costs. This is a common legislative provision that is already included within the *Local Government Act 1999*.

### **32C—Inquiries—*independence of Commission etc***

The Amendment Act ensures that the Commission or an investigator appointed by the Commission is not subject to Ministerial direction in relation to an inquiry or a recommendation or report.

The independence of the Commission is a key element of the Amendment Act and the Minister cannot direct the Commission to come to a conclusion on a proposal. The Amendment Act does allow the Minister to propose amendment to the Commission's final report, however, the Commission is not required to make these amendments. If the Commission does incorporate any amendments proposed by the Minister, the Commission must then publish the amended report.

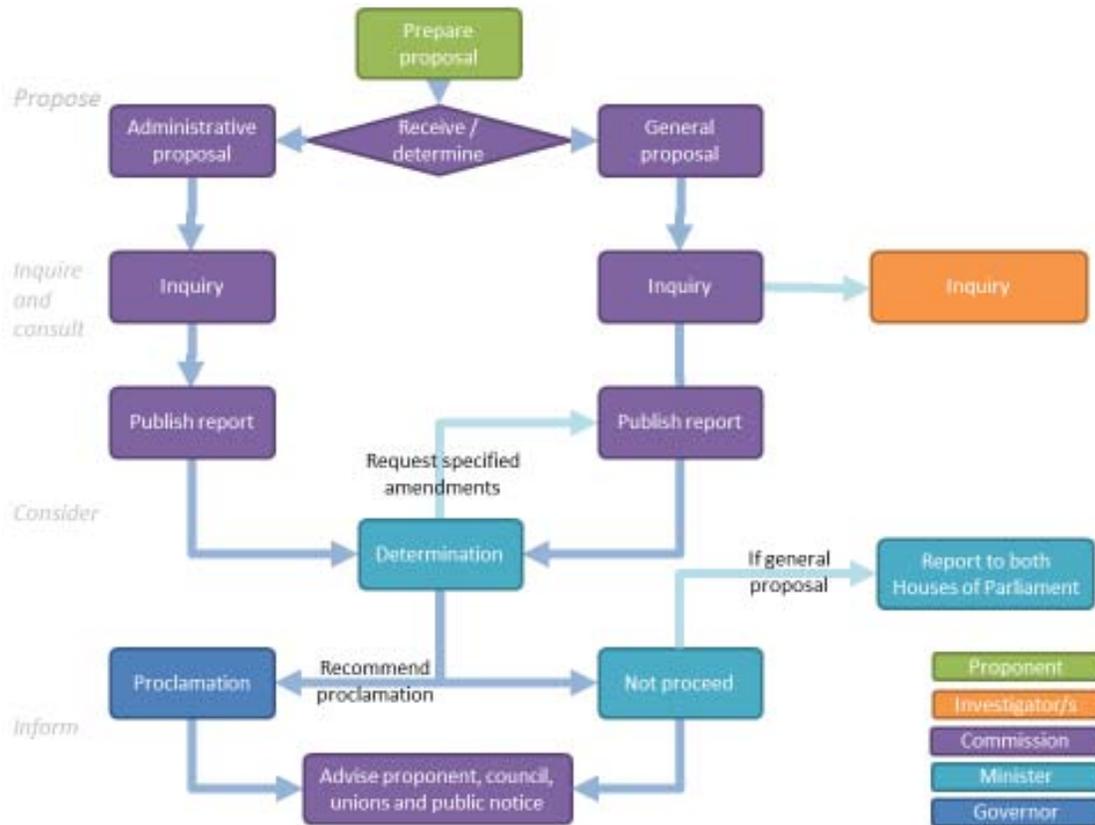
## **Support for regional governance models**

The Amendment Act supports the development of effective regional governance models in local government. It does this in three key ways:

1. By amending section 8 of the Act – Principles to be observed by a council – to include a specific principle based on collaboration and partnerships with other councils and regional bodies
2. By enabling the Commission to make a recommendation that a regional governance or service delivery mechanism be put in place as an alternative to boundary change

3. By amending section 122(1) of the Act to include a requirement for councils or other regional bodies to demonstrate that the potential benefits of regionalisation have been assessed as part of long-term planning.

FLOWCHART—BOUNDARY REFORM PROPOSALS



## **Council Boundary Change Proposals**

### **General Information**

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#). A flowchart providing an overview of the process is included in Attachment 1.

### **Role of the Boundaries Commission**

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

### **What is a 'boundary change proposal'?**

Boundary change proposals are proposals that change the area of a council. This could mean a proposal to—

- (a) constitute a council; or
- (b) amalgamate two or more councils; or
- (c) abolish a council and incorporate its area into the areas of two or more councils; or
- (d) alter the boundaries of a council area.

The Commission can also consider proposals for changing the composition or representative structure of a council, that is, the number of elected members and wards that comprise a council.

### **Who can submit a boundary change proposal?**

Proposals may be referred to the Commission—

- o by resolution of either House of Parliament;
- o by the Minister;
- o by a council or councils; or
- o by the prescribed percentage or number of eligible electors.

Proposals must set out in general terms the nature of the proposal and comply with any requirements of the proposal guidelines.

### **How can a member of the public make a submission to the Commission?**

Members of the public can submit a proposal to the Commission to consider boundary alterations, changes in the composition of a council or its representative structure, or the inclusion of unincorporated land into a council. Members of the public, cannot, however, initiate a council amalgamation or the creation of a new council.

The Act provides that a public initiated submission may be referred to the Commission by a prescribed percentage or number of eligible electors. An elector is a person, body corporate or group of persons enrolled on the voters roll for a council.

In the case of a proposal to alter the boundaries of two or more councils, eligible electors are electors in the area proposed to be moved or in the council that would receive the area.

Further information on the process for public initiated submissions is contained within Guideline 6.

### **What happens following a submission to the Commission?**

The Commission will assess the proposal in accordance with the requirements of the Act and proposal guidelines. The Commission may refuse to inquire into a proposal if it is considered to be vexatious, frivolous or trivial; or if it is not considered to be in the public interest; or if it is the same or substantially similar to a proposal already inquired into; or if there is some other good reason to refuse to enquire into a proposal.

For example, dissatisfaction with the services provided by a council, or with particular elected members, is not sufficient reason for members of the public to make a submission to the Commission. These are issues that should be decided between councils and their ratepayers.

The Act gives the Commission flexibility to deal with proposals to ensure that the most effective inquiry into an identified issue is undertaken. For example, the Commission may deal with similar or competing proposals that are referred to it.

If the Commission determines to inquire into a proposal, there are separate processes for administrative proposals and general proposals.

**Administrative proposals** are those that are made to correct historical anomalies in council boundaries, to allow for development that is approved elsewhere, or for other, largely administrative reasons. The process for conducting an inquiry into these proposals is therefore streamlined. Section 30 of the Act sets out the requirements for administrative proposals. Further information is contained within Guideline 2.

The Act also provides for more significant proposals to be considered. Section 31 of the Act sets out the requirements for **general proposals** and provides for an independent analysis of significant boundary change or amalgamation proposals (general proposals), with expertise relevant to each proposal. Further information on general proposals is contained within Guidelines 3 and 4.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act. The Commission is obliged to take these principles into consideration when making recommendations about boundary changes.

The Principles outline factors that must be taken into account when considering what form a council should take. They cover issues such as the ability of a council to fulfil its functions from the resource base available to it, and the reflection of a 'community of interest' in the area and structure of a council. The principles are included in Attachment 2 of this Guideline. Attachment 3 contains a more detailed discussion about the principles.

Section 32A of the Act sets out the powers of the Commission or an investigator when conducting an inquiry.

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations and provide a copy of the report to the Minister.

## **What is the Minister's role in boundary change proposals?**

Following receipt of a report from the Commission, the Minister may then determine whether a proposal recommended by the Commission should proceed. While the Minister can propose changes to the Commission's reports or recommendations relating to general proposals, the Commission is not bound to comply with the Minister's views.

### **Further Information**

Guideline 2: Administrative Proposals

Guideline 3: Submitting a General Proposal to the Commission

Guideline 4: Investigation of General Proposals Initiated by Councils

Guideline 5: Appointment of Investigators for General Proposals

Guideline 6: Proposals Initiated by Members of the Public

Guideline 7: Proposals initiated by Members of the Public for Changes in a Council's Composition or Representative Structure

Guideline 8: Costs for General Proposals Initiated by Councils

Guideline 9: Engagement and Consultation Guideline

### **Contact Details:**

Boundaries Commission

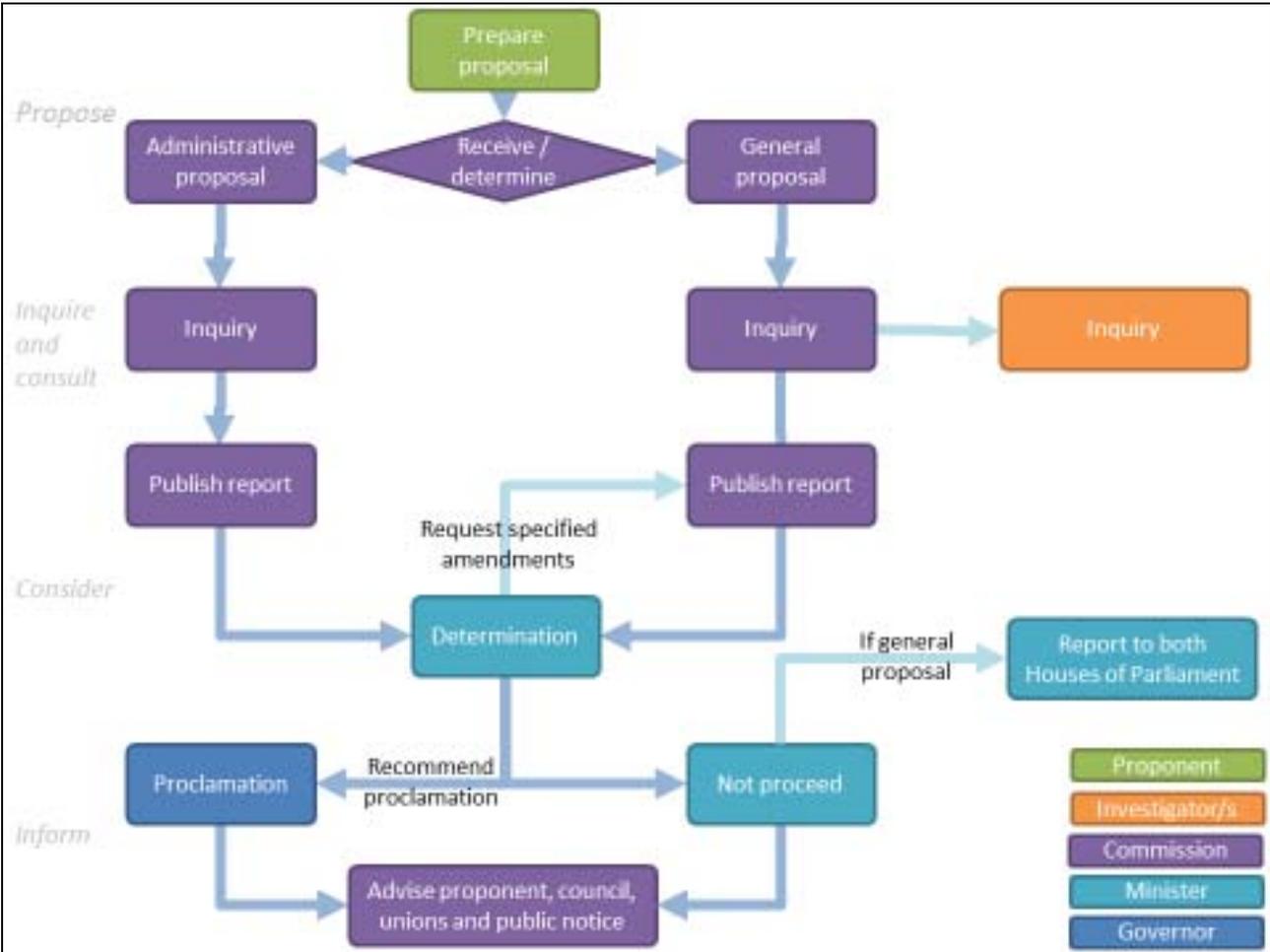
GPO Box 2329 Adelaide SA 5001

Phone: (08) 7109 7145

Email: [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au) (proposed)

Website: [http://www.dpti.sa.gov.au/local\\_govt/boundary\\_changes](http://www.dpti.sa.gov.au/local_govt/boundary_changes)

Flowchart—Boundary change proposals



## 26—Principles

- (1) The Commission should have regard to—
- The objects of the Act
  - The roles, functions and objectives of councils under this Act; and
  - The following principles:
    - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
    - Proposed changes should, wherever practicable, benefit ratepayers;
    - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
    - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
    - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
    - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
    - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
    - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
    - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
    - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
    - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
  - The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
  - The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

### ATTACHMENT 3

The principles guide the Commission in balancing various council and community interests. While general in nature, they address a range of considerations, including communities of interest, effective governance, operational capacity, delivery of services, effective planning and development, accessibility, and adequate and fair representation. Consideration will also be given to regional activities that may offer a viable and appropriate alternative to boundary change.

The principles emphasise the importance of ensuring that boundary changes enhance the capacity of local government within the area to continue to deliver results to local communities in a more strategic and effective way.

Below are some questions you may wish to consider when formulating a proposal—

- How will the proposal align resources to where they are most needed and provide value to ratepayers?
- How will the proposal increase the council's ability to improve operational capacity and financial sustainability?
- What impact will the proposal have on the resource base of affected councils?
- How will the proposal enhance the capacity of the council to deliver better services to the community?
- How does the proposal support communities of interest?
  - o Similar interests are important for groups that have been represented together because of their close geography or social and economic interests. Factors contributing to a sense of community included shared interests and shared use of community facilities.
  - o Is there a sense of belonging or stronger community connection with the area which can be clearly defined?
  - o Identify common interests that would be likely to benefit from the proposal, such as economic, social, heritage, cultural and recreational.
  - o Consider the functional relationships and whether the proposal meets the community's needs, for example, use of services, road and transport links, shopping etc.
- How will the proposal improve representation?
- Has consideration been given to delivering services on a regional basis as an alternative to boundary change?

## Council Boundary Change Proposals

### Administrative Proposals

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to provide information on administrative proposals, including the steps that need to be taken to prepare a submission, and how a submission is considered and progressed by the Commission.

#### What is an administrative proposal?

Section 30 of the Act includes a simplified pathway for consideration of boundary change proposals that are minor administrative matters, including—

- to facilitate a development that has been granted an authorisation under the *Planning, Development and Infrastructure Act 2016*;
- to correct an anomaly that is, in the opinion of the Commission, generally recognised e.g. where the boundary intercepts one or more privately owned properties;
- where the common boundary of two or more councils requires adjustment following the physical realignment of a common road;
- a proposal to incorporate vacant unincorporated land into a council area; or
- any other matter prescribed in regulation.

With regard to the first matter, the Commission has no involvement in planning legislation processes. Development applications and authorisations are separate matters under the relevant planning legislation. In order for a proposal to be treated as an administrative proposal, it would need to be referred to the Commission following the conclusion of the development approval process.

#### Who can submit an administrative proposal?

Proposals may be referred to the Commission—

- by resolution of either House of Parliament; or
- by the Minister; or
- by a council or councils; or
- by the prescribed percentage or number of eligible electors.

An **elector** is a person, body corporate or group of persons enrolled on the voters roll for a council (this means people who can vote in a council election because they live or own property in that council).

**Eligible electors** are defined in section 27(1) of the Act, however, in general terms, they are—

- In the case of a proposal to move an area of one council to another council: electors either in the area proposed to be moved or in the council that would receive the area.
- In the case of a proposal to move an area of the State not within a council area to a council area: an elector who would, if the proposal were to proceed, be an elector within the newly incorporated area.

Further information on the process for public initiated submissions is contained within Guideline 6.

## **How to prepare a submission to the Commission**

Proposals must set out in general terms the nature of the proposal and comply with the requirements of the proposal guidelines.

The following matters must be included in a submission:

### **1. An outline of the submission**

Provide a brief explanation of the submission

### **2. A map**

Include a suitable map, showing the area in question.

### **3. Grounds for making the submission**

A submission must set out in detail the grounds on which the submission is made and the issues that you think should be considered in an assessment of the change to boundaries.

### **4. Any other relevant information**

This could include details on consultation undertaken on the proposal, or links to related processes (such as a development assessment process).

## **What happens following a submission to the Commission?**

The Commission will assess the proposal and determine whether it meets the requirements of the Act and guidelines.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- The proposal is vexatious, frivolous or trivial; or
- If it is not in the public interest to inquire into the proposal; or
- The proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- There is some other good reason to refuse to inquire into a proposal.

If the Commission determines to inquire into an administrative proposal, the Commission will conduct an inquiry as the Commission thinks fit, provided that a reasonable amount of consultation is conducted in accordance with any guidelines published by the Commission.

Due to the nature of administrative proposals and their likely impact on a relatively small number of ratepayers, the consultation requirements are not as detailed as those for more significant (general) proposals. The level of consultation undertaken by the Commission will

depend on the nature of the proposal, the number and location of affected properties, and whether there has been previous consultation. The Commission will advise the initiator of the proposal of the process to be undertaken.

For example, if there is a very minor proposal, the Commission may decide not to consult with the community. This may involve proposals involving small numbers of ratepayers or where they have been consulted in other ways, or even referred the proposal themselves. Guideline 9 sets out the engagement and consultation requirements for boundary change proposals.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act (Attachment 1). The Commission is obliged to take these principles into consideration when making recommendations about boundary changes.

After conducting an inquiry into an administrative proposal, the Commission must consult with the Minister (including on any recommendations that the Commission proposes to make in relation to the proposal).

The Commission will then prepare and publish a report on the inquiry that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend an administrative proposal, the proposal may involve such variations as the Commission thinks fit.

The Minister will then determine whether the proposal should proceed or not. If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made. If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission must also notify the person or body who referred the proposal to the Commission, any council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

#### **Contact Details:**

Boundaries Commission  
GPO Box 2329 Adelaide SA 5001  
Phone: (08) 7109 7145  
Email: [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au) (proposed)  
Website [http://www.dpti.sa.gov.au/local\\_govt/boundary\\_changes](http://www.dpti.sa.gov.au/local_govt/boundary_changes)

## 26—Principles

(1) The Commission should have regard to—

- The objects of the Act
- The roles, functions and objectives of councils under this Act; and
- The following principles:
  - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
  - Proposed changes should, wherever practicable, benefit ratepayers;
  - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
  - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
  - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
  - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
  - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
  - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
  - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
  - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
  - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
- The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
- The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

## **Council Boundary Change Proposals**

### **Submitting a General Proposal to the Commission**

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to provide information on general proposals, including the steps that need to be taken to prepare a submission. This Guideline specifies the requirements for council initiated proposals. Guideline 6 details the process for submissions initiated by members of the public who are eligible electors as defined in section 27(1) of the Act.

#### **What is a general proposal?**

A general proposal is a proposal that is not defined as an 'administrative proposal' within section 30(7) of the *Local Government Act 1999* (for example, general proposals may include a significant boundary change or amalgamation). Further information on administrative proposals is contained within Guideline 2.

#### **Who can submit a general proposal?**

Proposals may be referred to the Commission—

- by resolution of either House of Parliament;
- by the Minister;
- by a council or councils; or
- by the prescribed percentage or number of eligible electors.

Members of the public can submit a proposal to the Commission to consider boundary alterations, changes in the composition of a council or its representative structure, or the inclusion of unincorporated land into a council. Members of the public, cannot, however, initiate a council amalgamation or the creation of a new council. Further information on the process for public initiated submissions is contained within Guideline 6.

#### **How to prepare a submission to the Commission**

Proposals must set out in general terms the nature of the proposal and comply with the requirements of the proposal guidelines.

A single council, or councils in agreement with each other, may submit a boundary change proposal to the Commission.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the principles contained within section 26 of the Act (Attachment 1). Attachment 2 contains a more detailed discussion about the principles.

Prior to submitting a proposal to the Commission, councils should consider the principles contained in Attachment 1 and described in Attachment 2 and determine whether a submission for boundary change is the best way to proceed. Councils are encouraged to contact the Commission at this point to discuss the process.

The Commission requests councils to make a general proposal in two stages to enable the Commission to provide early feedback on a potential proposal. This will assist councils to determine at the outset whether a proposal is likely to proceed prior to undertaking extensive work on a potential proposal.

### **Stage 1 – Initial Consideration of a Potential Proposal**

Write to the Commission outlining the nature of the potential proposal and the reasons why the council(s) consider boundary change as the best option, with reference to the section 26 principles.

At this point, the Commission will consider the correspondence and provide advice to the council(s), including whether a general proposal can be referred for consideration, if more work is recommended to be undertaken or further information is sought by the Commission.

Councils should note that advice from the Commission that a general proposal can be submitted does not guarantee that the proposal will be formally accepted.

### **Stage 2 – Referral of a General Proposal to the Commission**

Prepare a submission to the Commission that sets out in detail the grounds on which the proposal is made and the issues that should be considered in an assessment of the change to boundaries. The Commission requires the matters listed below to be included in your proposal, noting that the Commission expects a proposal to cover these matters as far as the initiating council can be reasonably aware of them.

Given that the Commission is obliged to take the section 26 principles into consideration when making recommendations about boundary changes, initiating council(s) are required to detail how their proposal fits with these principles when referring a proposal.

#### ***Description of the proposal***

- Provide a detailed description of the proposal
- Clearly identify all councils involved

#### ***Section 26 principles***

- Describe the proposal with reference to the principles set out in section 26 of the Act and contained and described in Attachment 1 and 2.
- Prior to accepting a proposal, the Commission may request information from other affected councils in relation to their view of how the proposal will address the principles.

#### ***Community of interest***

- Discuss various components (cultural, heritage, shopping, community services, road and other transport links, sporting, etc.) of the social fabric of the area which is the subject of the proposal. Identify common interests that would be likely to benefit from the proposal.

- Identify any individual large community or business assets, or significant geographical features in the area of the proposal that you consider affect the community of interest.

### ***Consultation with the community and key agencies***

- Provide evidence that appropriate consultation has taken place with the community.
- Where appropriate, provide numbers of letters received supporting and opposing the proposal, details of public meetings held to discuss the proposal, and estimates of numbers attending. Provide copies of news articles, letters to the editor and public notices in newspapers.
- Identify concerns that were raised during consultation, the degree of support shown for and against them, and how they were addressed by all affected councils.

### ***Advantages and Disadvantages***

- Provide a balanced representation of the advantages and disadvantages of the proposal.
- Identify stakeholder groups, providing details of the interests and identity of each. Discuss impacts of the proposal on each group.
- Record any significant opposition known to the applicant council or councils and the basis of this.

### ***Calendar of events***

- List in sequence dates of key council decisions, announcements, notices, public and other meetings, actions by stakeholder groups, press articles etc.

### ***Any other relevant information***

- Information the council considers relevant for matters the Commission must consider under section 31(3)(b).

### ***Administrative matters***

- Maps should be supplied which depict in sufficient detail the area the subject of, and surrounding area of the proposal (where relevant).
- Name and contact details of the officer(s) of the proponent council(s) to whom the Commission should direct its questions and correspondence.

This information will enable the Commission to make a decision whether to accept the referral. If accepted, the Commission will request further information as part of its investigation of the proposal. Further details are contained within Guideline 4.

### **What happens following a submission to the Commission?**

The Commission will assess the proposal in accordance with the guidelines and determine whether to inquire into the proposal or refuse to inquire into the proposal.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- The proposal is vexatious, frivolous or trivial; or
- If it is not in the public interest to inquire into the proposal; or

- The proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- There is some other good reason to refuse to inquire into a proposal.

The Act gives the Commission flexibility to deal with proposals to ensure that the most effective inquiry into an identified issue is undertaken. For example, the Commission may deal with similar or competing proposals that are referred to it.

If the Commission determines to inquire into a general proposal, section 31 of the Act sets out the process for these inquiries. Guideline 4 provides information on inquiries into general proposals, including how a submission is progressed by the Commission.

**Contact Details:**

Boundaries Commission  
GPO Box 2329 Adelaide SA 5001  
Phone: (08) 7109 7145  
Email: [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au) (proposed)  
Website: [http://www.dpti.sa.gov.au/local\\_govt/boundary\\_changes](http://www.dpti.sa.gov.au/local_govt/boundary_changes)

**26—Principles**

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    - Proposed changes should, wherever practicable, benefit ratepayers;
    - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
    - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
    - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
    - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
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    - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
  - The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
  - The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

## ATTACHMENT 2

The principles guide the Commission in balancing various council and community interests. While general in nature, they address a range of considerations, including communities of interest, effective governance, operational capacity, delivery of services, effective planning and development, accessibility, and adequate and fair representation. Consideration will also be given to regional activities that may offer a viable and appropriate alternative to boundary change.

The principles emphasise the importance of ensuring that boundary changes enhance the capacity of local government within the area to continue to deliver results to local communities in a more strategic and effective way.

Below are some questions you may wish to consider when formulating a proposal:

- How will the proposal align resources to where they are most needed and provide value to ratepayers?
- How will the proposal increase the council's ability to improve operational capacity and financial sustainability?
- What impact will the proposal have on the resource base of affected councils?
- How will the proposal enhance the capacity of the council to deliver better services to the community?
- How does the proposal support communities of interest?
  - o Similar interests are important for groups that have been represented together because of their close geography or social and economic interests. Factors contributing to a sense of community included shared interests and shared use of community facilities.
  - o Is there a sense of belonging or stronger community connection with the area which can be clearly defined?
  - o Identify common interests that would be likely to benefit from the proposal, such as economic, social, heritage, cultural and recreational.
  - o Consider the functional relationships and whether the proposal meets the community's needs, for example, use of services, road and transport links, shopping etc.
- How will the proposal improve representation?
- Has consideration been given to delivering services on a regional basis as an alternative to boundary change?

## Council Boundary Change Proposals

### Investigation of General Proposals Initiated by Councils

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to provide information on the investigation of general proposals, including how a submission is considered and progressed by the Commission. This Guideline specifies the requirements for council initiated proposals. Guideline 6 details the process for submissions initiated by members of the public who are eligible electors.

Section 31 of the Act sets out the process for inquiries into general proposals. The Act provides for an independent analysis of major proposals by one or more investigators consisting of expertise that is determined to be necessary for each proposal.

The Commission can appoint one or more investigators to undertake a detailed inquiry into the proposal. However, the Commission must appoint investigators when a general proposal is referred to them by either the Minister or by resolution of either House of Parliament. Further information on the appointment of investigators is contained within Guideline 5.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act (Attachment 1). The Commission is obliged to take these principles into consideration when making recommendations on boundary changes.

In addition to these principles, an inquiry must consider the matters in section 31(3)(b)—

- The financial implications and impact on resources that the proposal is likely to have on any council affected by the general proposal; and
- The extent of support for the general proposal and boundary reform in the area within the community affected by the general proposal; and
- The extent of support for the general proposal of any council affected by the general proposal; and
- The impact of the various rights and interests of any council employees affected by the general proposal; and
- Any other principles prescribed by regulations.

Other matters an inquiry may consider include—

- Division of assets and liabilities – including land and buildings, plant and equipment, cash, investments, interests in and business activities, debtors, debt, overdraft, staff entitlements;

- Impact of any significant contracts;
- Ability of communities to access council services and relevant communication issues between councils and communities;
- Assessment of any significant differences in rating policies of the councils involved, the impacts on ratepayers and how these are to be addressed in both the short and longer term;
- Potential conflicts that may arise from existing patterns of land use if the proposal was implemented, for example, predominantly residential areas being aligned with intensive agricultural lands.
- Assessment of any significant differences in fees and charges of the councils involved;
- Material impact of legal orders and proceedings;
- Assessment of any significant differences in service levels provided by the councils involved; and
- Implications for council employees, including any proposed transfer of staff and conditions of employment.

### **Provision of Information**

Section 32A of the Act provides powers for the Commission or an investigator to obtain information in connection with an inquiry. The Commission or its investigators may seek relevant information from affected councils to inform consideration of the above matters, including—

#### **Statistical and social data**

- Number of residents affected.
- Number of properties affected, separated into residential, primary production, commercial and industrial and compare these to the total number of properties in the area of the council(s).
- Social profile of the community – for example, age distribution, ethnicity, income levels, employment patterns.
- Social and economic history of the area.

#### **Financial information**

- Details of rate and grant revenues that will be affected by the proposal.
- Identify real property and other significant council assets affected by the proposal.

#### **Council representation arrangements**

- Explain how the proposal will impact on ward quotas (if any) and the representation available to residents, owners and occupiers of property.
- Give details of interim representation arrangements that are proposed in the short term, or as a transitional measure, and their suggested duration.
- Outline the arrangements proposed in relation to any changes to office holders or elected members. If proclamations will be required, the matters to be covered should be set out clearly.

As part of its assessment of a general proposal the Commission is required to consult widely with councils and the public. Guideline 9 details how the Commission and its investigators will undertake engagement and consultation on boundary change proposals. The Commission will design an engagement plan for each general proposal.

### **Finalisation of an Inquiry**

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend a general proposal, the proposal may involve such variations as the Commission thinks fit.

The Commission may include in a report recommendations relating to the delivery of services on a regional basis by councils as an alternative to boundary change, or any other recommendation the Commission considers appropriate.

The Minister may send the report back to the Commission for reconsideration in accordance with any suggestions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister. The Minister may then determine whether a proposal recommended by the Commission should proceed.

If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made.

The Minister may, in the case of a general proposal referred to the Commission by a council that the Commission has recommended in the report not proceed—at the request of 1 or more councils, consult with the relevant councils about the matter. After consultation, if the Minister determines that it is appropriate to make a recommendation to the Governor in the circumstances of the particular case, forward the general proposal to the Governor with a recommendation that a proclamation be made.

If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission must also notify the person or body who referred the proposal to the Commission, any council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

### **Contact Details:**

Boundaries Commission  
GPO Box 2329 Adelaide SA 5001  
Phone: (08) 7109 7145  
Email: [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au) (proposed)  
Website: [http://www.dpti.sa.gov.au/local\\_govt/boundary\\_changes](http://www.dpti.sa.gov.au/local_govt/boundary_changes)

**26—Principles**

- (1) The Commission should have regard to—
- The objects of the Act
  - The roles, functions and objectives of councils under this Act; and
  - The following principles:
    - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
    - Proposed changes should, wherever practicable, benefit ratepayers;
    - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
    - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
    - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
    - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
    - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
    - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
    - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
    - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
    - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
  - The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
  - The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

## **Council Boundary Change Proposals**

### **Appointment of Investigators for General Proposals**

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

The Act provides for an independent analysis of major proposals by one or more investigators consisting of expertise that is determined to be necessary for each proposal. This Guideline has been issued by the Commission to provide information on the appointment of investigators for general proposals.

#### **When will the Commission appoint investigators?**

The Commission can appoint one or more investigators to undertake a detailed inquiry into a general proposal. However, the Commission must appoint investigators when a general proposal is referred to them by either the Minister or by resolution of either House of Parliament.

The Act provides appropriate flexibility in appointing investigators—more significant proposals will require a number of investigators, whereas relatively straightforward proposals may be completed ‘in house’ (for council initiated proposals), or may only require a single investigator.

#### **How will the Commission appoint investigators?**

The Commission must seek to ensure, as far as is reasonably practicable that the qualifications, knowledge expertise and experience of a particular investigator are relevant to each inquiry.

The Commission must also consult with affected councils when appointing the investigator(s).

To assist with this process, the Commission will maintain a register of potential investigators that will work within a defined fee structure.

#### **What powers will investigators have?**

Section 32A of the Act sets out the powers of the Commission or an investigator when conducting an inquiry. These powers enable information to be obtained that is determined to be relevant to an inquiry.

The Commission or an investigator conducting an inquiry may—

- a) by summons signed by the Commission or investigator (as the case requires), require a person's attendance; and

- b) require a person to answer, orally or in writing, questions to the best of his or her knowledge, information and belief; and
- c) require a person to verify an answer under paragraph (b) by declaration; and
- d) require a council or person to produce any relevant documents or other records; and
- e) retain documents or other records produced under paragraph (d) for reasonable periods and make copies of them or their contents; and
- f) call for or receive submissions or representations.

### **Will the investigators be independent?**

An investigator appointed to conduct an inquiry must comply with any directions or requirements of the Commission relating to the inquiry, and, at the conclusion of the inquiry, provide a report on the inquiry to the Commission

The Act ensures that investigators appointed by the Commission are not subject to Ministerial direction in relation to an inquiry or a recommendation or report.

### **Contact Details:**

Boundaries Commission  
GPO Box 2329 Adelaide SA 5001  
Phone: (08) 7109 7145  
Email: [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au) (proposed)  
Website: [http://www.dpti.sa.gov.au/local\\_govt/boundary\\_changes](http://www.dpti.sa.gov.au/local_govt/boundary_changes)

## Council Boundary Change Proposals

### Proposals Initiated by Members of the Public

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to assist members of the public wishing to prepare a public initiated proposal to alter the external boundary of a council.

Public initiated proposals are submitted to the Commission by members of the public for consideration of council boundary alterations, changes in ward or representation structures, or the inclusion of land not within a council area into a council. Members of the public cannot initiate a council amalgamation or the creation of a new council.

It's important to note at the outset that dissatisfaction with the services provided by a council is not sufficient reason to make a proposal to the Commission. For example, you may be unhappy with the rates that your council imposes. This is not a reason for changing council area but is something that you should discuss and resolve with your council.

This Guideline explains the steps that need to be taken to prepare a proposal to alter the external boundary of a council, and how a proposal is considered and progressed by the Commission. Information on the process for alterations to the composition or representative structure of a council is contained within Guideline 7.

Public initiated proposals requesting consideration of changes to external council boundaries cannot be made until two years after other significant boundary changes to that area. If you are not certain whether this would preclude a proposal you are considering, contact the Boundaries Commission to discuss this.

#### Who can make a public initiated proposal?

A public initiated proposal may be referred to the Commission by a prescribed percentage or number of eligible electors. The prescribed percentage is 10 percent. For proposals affecting less than 10 electors, the prescribed number is 1.

An **elector** is a person, body corporate or group of persons enrolled on the voters roll for a council - this means people who can vote in a council election because they live or own property in that council.

**Eligible electors** are defined in section 27(1) of the Act, however, in general terms, they are—

- in the case of a proposal to move an area of one council to another council; electors in the area proposed to be moved or in the council that would receive the area; or,

- in the case of a proposal to move an area of the State not within a council area to a council area: an elector who would, if the proposal were to proceed, be an elector within the newly incorporated council area.

The following steps set out the process that must be followed by eligible electors and the Commission in regards to a public initiated proposal. You are encouraged to follow this step by step guide if you are considering making a proposal to the Commission.

## **Stage 1 – Initial Consideration of a Potential Proposal**

### **1. Determine whether a proposal is the best way to proceed.**

This is the first step in the process. Discuss your concerns with as many people as possible within your community to determine whether there is sufficient support for a proposal to proceed.

You are encouraged to contact your council to discuss the reasons why you feel making a proposal is necessary. As previously stated, making a proposal for boundary change to the Commission is not an avenue to express dissatisfaction with the services or representation your council provides. Talking to your council in the first instance may resolve any issues you have.

It is important to keep accurate records of any consultation and/or correspondence relating to your proposal. It is suggested that copies are kept of all correspondence, and minutes recorded at meetings held. This will help you when you come to prepare your proposal.

If you feel that making a proposal to the Commission is the best way forward, it's a good idea to contact the Commission at this point to talk through what needs to be included in the proposal, and the following process.

### **2. Collect signatures of eligible electors**

As discussed above, proposals need to be made by at least 10 percent of eligible electors. Complete Form 1 which is attached at the end of this Guideline. Each eligible elector must complete and sign the declaration form attached at the end of this Guideline. The form may be photocopied as long as the details displayed at the top of the page are completed for every copy.

At this point, you should contact the relevant councils to verify the eligibility of each elector making the proposal. Certification from the Council Chief Executive Officer must be included in the proposal to the Commission.

Although it is not necessary for more than 10% of eligible electors to make the proposal it is expected that a proposal would have wider support within the community. You may wish to include some evidence in the proposal that indicates the level of support for the proposal, for example a petition or letter of support that was available for signing.

### **3. Write to the Commission**

Write to the Commission outlining the nature of the potential proposal and the reasons why you consider boundary change as the best option, including consideration of the section 26 principles as described in Attachment 1.

At this point, the Commission will consider the correspondence and advise whether a detailed proposal can be referred for consideration. Advice from the Commission that a proposal can be submitted does not guarantee that the proposal will be formally accepted.

## **Stage 2 – Referral of a Proposal to the Commission**

Prepare a submission to the Commission that sets out in detail the grounds on which the proposal is made. The following points are the Commission's guidelines on the content of a proposal. If you are having trouble obtaining this information, contact the Commission for assistance (see below for contact information). There's no set format for providing this information – including it all in a letter addressed to the Commission is acceptable.

Points 1, 2, 3, 4 and 5 **MUST** be included in your proposal – point 6 refers to supporting information that you **MAY** wish to include.

### ***1. An outline of the proposal***

Provide a brief explanation of the proposal – for example; “it is proposed that the area known as Jones Park West be removed from Council X and be included in Council Y”.

### ***2. A map***

Include a suitable map (where relevant), showing the area in.

### ***3. Grounds for making the proposal***

A proposal needs to set out in detail the grounds on which the proposal is made and the issues that you think should be considered in an assessment of the change to the boundaries. The section 26 principles will assist you to prepare this (see Attachment 1 and Attachment 2).

When considering proposals for boundary changes, the Commission must pay attention to these principles. The principles outline factors that should be taken into account when considering what form a council should take. They cover issues such as the ability of a council to fulfil its functions from the resource base available to it, and the reflection of a 'community of interest' in the area and structure of a council. It is suggested you read through them and use as a basis for your proposal.

### ***4. Outcome of any prior discussion with the relevant councils***

The Commission encourages people thinking of making a proposal to contact their council to discuss the reasons why they feel this is necessary. In your proposal, give information about when this took place and the results of these discussions.

The proposal must also include advice from the relevant council Chief Executive Officer certifying the eligibility of electors.

### ***5. Outcome of any public consultation***

You are not required to undertake broad public consultation on your proposal other than the work you will need to do to gain the support of the required number of eligible electors. However, if you have consulted with your community more broadly, you may wish to include a description and results of that consultation in your proposal.

Remember, although it is not necessary for more than the prescribed percentage of eligible electors to make a proposal it is expected that the proposal has wider support within the community. Include some evidence in the proposal that indicates the level of support for the proposal, for example a petition or letter of support that was available for signing.

### ***6. Anything else you feel is relevant***

Feel free to include information on any other issue or point you feel supports, or is relevant to your proposal. This may include such material as:

- The history of the area, and how this impacts on your proposal;
- Predominant land uses of the area;

- A community profile – who lives in the area, the approximate population, and the main industries, commercial centres and employers for the area;
- Any areas of social, cultural, or environmental significance.

### **Consideration of the proposal by the Commission**

On receipt of the proposal, the Commission will assess the proposal and determine whether it meets the requirements of the Act and guidelines.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- the proposal is vexatious, frivolous or trivial; or
- if it is not in the public interest to inquire into the proposal; or
- the proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- there is some other good reason to refuse to inquire into a proposal.

The Act gives the Commission flexibility to deal with proposals to ensure that the most effective inquiry into an identified issue is undertaken. For example, the Commission may deal with similar or competing proposals that are referred to it.

If the Commission determines to inquire into a proposal, there are separate processes for administrative proposals and general proposals.

Administrative proposals are those that are made to correct historical anomalies in council boundaries, to allow for development that is approved elsewhere, or for other, largely administrative reasons. The process for conducting an inquiry into these proposals is therefore streamlined. Section 30 of the Act sets out the requirements for administrative proposals. Further information is contained within Guideline 2.

The Act also provides for more significant proposals to be considered. Section 31 of the Act sets out the requirements for general proposals and provides for an independent analysis of significant boundary change or amalgamation proposals (general proposals), with expertise relevant to each proposal. Further information on general proposals is contained within Guideline 3.

### ***Administrative Proposals***

As administrative proposals only impact a small number of ratepayers the consultation requirements are not as onerous as those for significant proposals. The level of consultation undertaken by the Commission will depend on the nature of the proposal, the number and location of affected properties, and whether there has been previous consultation. The Commission will advise the initiator of the proposal of the process to be undertaken.

For example, if there is a very minor proposal, the Commission may decide not to consult with the community. This may involve proposals involving small numbers of ratepayers or where they have been consulted in other ways, or even referred the proposal themselves. Guideline 9 sets out the engagement and consultation requirements for boundary change proposals.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act (Attachment 1). The Commission is obliged to take these principles into consideration when making recommendations about boundary changes.

After conducting an inquiry into an administrative proposal, the Commission must consult with the Minister (including on any recommendations that the Commission proposes to make in relation to the proposal).

The Commission will then prepare and publish a report on the inquiry that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend an administrative proposal, the proposal may involve such variations as the Commission thinks fit.

The Minister will then determine whether the proposal should proceed or not. If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made. If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission must also notify the person or body who referred the proposal to the Commission, any council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

### ***General Proposals***

The Act provides for an independent analysis of major proposals by one or more investigators consisting of expertise that is determined to be necessary for each proposal. Further information on the appointment of investigators is contained within Guideline 4.

The Commission can appoint one or more investigators to undertake a detailed inquiry into the proposal.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act (Attachment 1). The Commission is obliged to take these principles into consideration when making recommendations about boundary reform. In addition to these principles, an inquiry must consider—

- The financial implications and impact on resources that the proposal is likely to have on any council affected by the general proposal; and
- The extent of support for the general proposal and boundary reform in the area within the community affected by the general proposal; and
- The extent of support for the general proposal of any council affected by the general proposal; and
- The impact of the various rights and interests of any council employees affected by the general proposal; and
- Any other principles prescribed by regulations.

As part of its assessment of a general proposal the Commission will undertake consultation. Guideline 9 sets out the consultation and engagement requirements for boundary change proposals.

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend a general proposal, the proposal may involve such variations as the Commission thinks fit.

The Commission may include in a report recommendations relating to the delivery of services on a regional basis by councils as an alternative to boundary change, or any other recommendation the Commission considers appropriate.

The Minister may send the report back to the Commission for reconsideration in accordance with any suggestions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister. The Minister may then determine whether a proposal recommended by the Commission should proceed.

If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made. If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission will also notify you (as the referrer of the proposal), any council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

**Contact Details:**

Boundaries Commission  
GPO Box 2329 Adelaide SA 5001  
Phone: (08) 7109 7145  
Email: [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au) (proposed)  
Website: [http://www.dpti.sa.gov.au/local\\_govt/boundary\\_changes](http://www.dpti.sa.gov.au/local_govt/boundary_changes)

## 26—Principles

- (1) The Commission should have regard to—
- The objects of the Act
  - The roles, functions and objectives of councils under this Act; and
  - The following principles:
    - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
    - Proposed changes should, wherever practicable, benefit ratepayers;
    - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
    - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
    - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
    - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
    - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
    - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
    - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
    - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
    - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
  - The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
  - The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

## ATTACHMENT 2

The principles guide the Commission in balancing various council and community interests. While general in nature, they address a range of considerations, including communities of interest, effective governance, operational capacity, delivery of services, effective planning and development, accessibility, and adequate and fair representation. Consideration will also be given to regional activities that may offer a viable and appropriate alternative to boundary change.

The principles emphasise the importance of ensuring that boundary changes enhance the capacity of local government within the area to continue to deliver results to local communities in a more strategic and effective way.

Below are some questions you may wish to consider when formulating a proposal:

- How will the proposal align resources to where they are most needed and provide value to ratepayers?
- How will the proposal increase the council's ability to improve operational capacity and financial sustainability?
- What impact will the proposal have on the resource base of affected councils?
- How will the proposal enhance the capacity of the council to deliver better services to the community?
- How does the proposal support communities of interest?
  - o Similar interests are important for groups that have been represented together because of their close geography or social and economic interests. Factors contributing to a sense of community included shared interests and shared use of community facilities.
  - o Is there a sense of belonging or stronger community connection with the area which can be clearly defined?
  - o Identify common interests that would be likely to benefit from the proposal, such as economic, social, heritage, cultural and recreational.
  - o Consider the functional relationships and whether the proposal meets the community's needs, for example, use of services, road and transport links, shopping etc.
- How will the proposal improve representation?
- Has consideration been given to delivering services on a regional basis as an alternative to boundary change?

**FORM 1 – TO BE PROVIDED**

**DRAFT**

## Council Boundary Change Proposals

### Public Initiated Proposals for Changes in a Council's Composition or Representative Structure

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to assist members of the public wishing to prepare a public initiated proposal requesting consideration of changes to the composition or the representative structure of a council. This includes changes such as:

- Changing ward boundaries;
- Establishing or abolishing wards;
- Changing the composition of the elected member body (changing the number of elected members or changing from a directly elected mayor to a chairperson elected by the council or vice versa).

Councils are required to undertake representation reviews periodically. A review must comprehensively examine all aspects of the composition of the council and its internal structure. Councils must follow the process for these reviews that is prescribed in section 12 of the *Local Government Act 1999*, and satisfy the Electoral Commissioner that the process of their review has complied with these statutory requirements.

The Act provides a method by which members of the public can make proposals to the Minister requesting consideration of changes to the composition or the representative structure of a council.

Dissatisfaction with an elected member/s is not in itself a reason for making a proposal to the Commission. This is a matter for you to pursue with the elected member/s in question. A proposal must focus on the benefits that changing the internal structure of a council would provide for the community.

Note that public initiated proposals requesting consideration of changes to external council boundaries cannot be made less than two years after the council has completed a representation review or two years prior to the date a council is required to undertake a representation review. If you are not certain whether this would preclude a proposal you are considering, contact the Commission to discuss this.

The Commission may also decide to defer consideration of a proposal if it is received close to Local Government elections.

## **Who can make a public initiated proposal?**

A public initiated proposal may be referred to the Commission by a prescribed percentage or number of eligible electors. The prescribed percentage is 10 percent. For proposals affecting less than 10 electors, the prescribed number is 1.

An **elector** is a person, body corporate or group of persons enrolled on the voters roll for a council - this means people who can vote in a council election because they live or own property in that council).

In the case of a proposal to alter the composition of a council or the issue of wards within a council, **eligible electors** are electors who are within the area of the affected council.

When considering proposals for structural reform the Commission must pay attention to what are known as the 'section 26 principles'. The principles outline factors that are taken into account when considering what form a council should take. The principles are included as an attachment to this sheet. It is important that you read them and use them as a basis for your proposal.

The following steps set out the process that must be followed by eligible electors and the Commission in regards to a public initiated proposal relating to the composition of a council or the issue of wards within a council. You are encouraged to follow this step by step guide if you are considering making a proposal to the Commission.

### **Stage 1 – Initial Consideration of a Potential Proposal**

#### **1. Determine whether a proposal is the best way to proceed.**

This is the first step in the process. Discuss your concerns with as many people as possible within your community to determine whether there is sufficient support for a proposal to proceed.

As previously stated, making a proposal to the Commission is not an avenue to express dissatisfaction with the services or representation your council provides. Talking to your council in the first instance may resolve any issues you have.

Prior to initiating a proposal with the Commission, you must ascertain the views of the Council. It is important to keep accurate records of any consultation and/or correspondence relating to your proposal. It is suggested that copies are kept of all correspondence, and minutes recorded at meetings held. This will help you when you come to prepare your proposal.

If you feel that making a proposal to the Commission is the best way forward, it's a good idea to contact the Commission at this point to talk through what needs to be included in the proposal, and the following process.

#### **2. Collect signatures of eligible electors**

As discussed above, proposals need to be made by at least 10 percent of eligible electors. Complete Form 1 which is attached at the end of this Guideline. Each eligible elector must complete and sign the declaration form attached at the end of this Guideline. The form may be photocopied as long as the details displayed at the top of the page are completed for every copy.

At this point, you should contact the relevant council to verify the eligibility of each elector making the proposal. Certification from the Council Chief Executive Officer must be included in the proposal to the Commission.

Although it is not necessary for more than 10% of eligible electors to make the proposal it is expected that the proposal will have wider support within the community. You may wish to include some evidence in the proposal that indicates the level of support for the proposal, for example a petition or letter of support that was available for signing.

### **3. Write to the Commission**

Write to the Commission outlining the nature of the potential proposal and the reasons why you consider changes to the composition or representative structure of the council is the best option, including consideration of the section 26 principles in Attachment 1.

At this point, the Commission will consider the correspondence and advise whether a detailed proposal can be referred for consideration. Advice from the Commission that a proposal can be submitted does not guarantee that the proposal will be formally accepted.

## **Stage 2 – Referral of a Proposal to the Commission**

Prepare a submission to the Commission that sets out in detail the grounds on which the proposal is made. The following information will assist you to provide the type of information that the Commission requires to make an informed decision. If you are having trouble obtaining this information, contact the Commission for assistance. There's no set format for providing this information – including it all in a letter addressed to the Commission is acceptable.

### **1. An outline of the proposal**

Provide a brief explanation of the proposal – for example; “it is proposed that the number of wards in Council X be changed from Y to Z”.

### **2. A map**

Include a suitable map, showing the area in question. If your proposal is based on changes to a whole council area, or to the elected member body, include a map of the council area (that includes ward boundaries if existent).

### **3. Grounds for making the proposal**

A proposal needs to set out in detail the grounds on which the proposal is made, and the issues that you think should be considered in an assessment of the change to the boundaries.

For example, the proposal could outline how a change to the ward structure would be desirable in order to draw together communities with common economic, social or regional issues. Alternatively, it may outline how population changes in the area impact on the composition of the elected member body, or how the suggested changes will improve communication between elected members and the community. The section 26 principles in Attachment 1 may assist you to prepare this.

### **4. Outcome of any prior discussion with the relevant council**

The Commission encourages people thinking of making a proposal to contact their council to discuss the reasons why they feel a proposal is necessary. In your proposal, outline the content and the results of these discussions.

### **5. Description of any public consultation**

You are not required to undertake broad public consultation on your proposal, other than the work you will need to do to gain the support of the required number of eligible electors. However, if you have consulted with your community more broadly you may wish to include a description and results of that consultation in your proposal.

## **6. Results of the most recent representation review undertaken by the Council**

Councils are required to comprehensively review their composition and ward structure periodically. This has traditionally been at least once in every eight years. You may wish to include comments on this review and a copy of the report produced by your Council, particularly if dissatisfaction with this process is the impetus for your proposal to the Commission.

## **7. Anything else you feel is relevant**

Feel free to include information on any other issue or point that supports or is relevant to your proposal.

## **Consideration of the proposal by the Commission**

On receipt of the proposal, the Commission will assess it and determine whether it meets the requirements of the Act and guidelines.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- the proposal is vexatious, frivolous or trivial; or
- if it is not in the public interest to inquire into the proposal; or
- the proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- there is some other good reason to refuse to inquire into a proposal.

As part of its assessment of a proposal the Commission will undertake consultation, including with the Electoral Commission of South Australia (ECSA). Guideline 9 sets out the engagement and consultation requirements for proposals.

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend a general proposal, the proposal may involve such variations as the Commission thinks fit.

The Minister may send the report back to the Commission for reconsideration in accordance with any suggestions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister. The Minister may then determine whether a proposal recommended by the Commission should proceed.

If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made. If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission will also notify you (as the referrer of the proposal), the council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

## **Contact Details:**

Boundaries Commission  
GPO Box 2329 Adelaide SA 5001  
Phone: (08) 7109 7145  
Email: [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au) (proposed)  
Website: [http://www.dpti.sa.gov.au/local\\_govt/boundary\\_changes](http://www.dpti.sa.gov.au/local_govt/boundary_changes)

## 26—Principles

- (1) The Commission should have regard to—
- The objects of the Act
  - The roles, functions and objectives of councils under this Act; and
  - The following principles:
    - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
    - Proposed changes should, wherever practicable, benefit ratepayers;
    - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
    - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
    - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
    - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
    - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
    - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
    - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
    - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
    - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
  - The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
  - The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

**FORM 1 – TO BE PROVIDED**

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## Council Boundary Change Proposals

### Costs for General Proposals Initiated by a Council or Councils

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

Section 32B of the Act provides for the Commission to recover reasonable costs of an inquiry in relation to a **general proposal** referred to the Commission by a council or councils. Further information on general proposals is contained within Guidelines 3 and 4.

This Guideline has been issued by the Commission to detail the process the Commission will use to determine the cost of an investigation. A council or councils will only incur costs for the general proposals that they refer themselves.

Following receipt of a submission from a council, the Commission will determine whether it meets the requirements of the Act and guidelines. If the proposal is a general proposal, the Commission will determine the level of investigation necessary to inquire into the proposal.

Costs will vary depending on the complexity of the proposal submitted to the Commission. The Commission can appoint one or more investigators to undertake a detailed inquiry into the proposal. Guideline 5 provides further information on the Commission's process for appointing investigators. Expected costs will be based on the investigation process and the associated public consultation that occurs during the investigation process.

A proposal will not proceed to an investigation without the Commission consulting with the initiating council on expected costs and any alterations to a proposal (if relevant). The Commission will advise of expected costs and it will then be up to the council to determine whether to proceed with the proposal.

If a council, or a number of councils feel that a proposal they are considering is of value to the State more widely, they can request the Minister to progress the proposal on their behalf. Costs related to work on proposals initiated by the Minister will be the responsibility of the State Government.

#### Contact details:

Boundaries Commission  
GPO Box 2329 Adelaide SA 5001  
Phone: (08) 7109 7145  
Email: [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au) (proposed)  
Website: [http://www.dpti.sa.gov.au/local\\_govt/boundary\\_changes](http://www.dpti.sa.gov.au/local_govt/boundary_changes)

## **Council Boundary Change Proposals Engagement and Consultation Guideline**

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

The Act requires the Commission to have a consultation guideline and also to consult with councils affected by boundary change proposals, their communities and entities that represent the interests of council employees affected by proposals. This Guideline shows how the Commission is meeting this requirement.

This Guideline specifies the requirements that the Commission has determined should be in place to undertake required engagement and consultation. It does not set prescriptive, 'one size fits all' approaches to engagement and consultation. Instead, the approach will be tailored for each proposal, with a flexible framework that enables fit-for-purpose engagement and consultation, rather than prescriptive minimum standards, and that considers any previous engagement and consultation that has occurred.

### **Engagement Principles**

The Commission has determined five key principles that will form the basis for any engagement and consultation it undertakes on boundary change proposals—

#### *Engagement is fit for purpose*

- The engagement and consultation process matches the significance of the boundary change proposal. It is targeted, flexible, timely and considers any previous engagement and consultation.

#### *Engagement is tailored for general proposals*

- The Commission will design an engagement plan for every general proposal that reflects the nature and specific needs of each proposal

#### *Engagement is genuine*

- The Commission will make every effort to ensure that councils and communities can participate in boundary change proposals and understand the range of views on boundary change proposals.

#### *Engagement is inclusive and respectful*

- Councils and the community affected by a boundary change proposal will have the opportunity to participate and be heard.

#### *Engagement is informed and transparent*

- The Commission will ensure that councils and the community have access to all relevant information on boundary change proposals. When making recommendations, the Commission will explain the reasons behind them.

## Mandatory Requirements

The Act makes a distinction between consultation requirements for administrative proposals (refer Guideline 2) and general proposals (refer Guidelines 3 and 4). The table below sets out the Commission's engagement and consultation requirements for council boundary change proposals.

PROPOSAL	BACKGROUND	MANDATORY REQUIREMENT
<b>ADMINISTRATIVE PROPOSALS</b>	Refer Guideline 2 for information on Administrative Proposals.	<p>The Commission will conduct an inquiry into administrative proposals, as the Commission thinks fit, provided that a reasonable amount of consultation is conducted (section 30(1)).</p> <p>The Commission will directly notify the initiator of the proposal of the process to be undertaken.</p> <p>Due to the nature of administrative proposals and their likely impact on a relatively small number of ratepayers, the consultation requirements are not as detailed as those for more significant (general) proposals. The level of engagement undertaken by the Commission will depend on the nature of the proposal, the number and location of affected properties, and whether there has been previous consultation.</p> <p>The Commission may determine not to conduct community consultation if the Commission considers it unnecessary to do so (section 30(2)). For example, if there is a very minor proposal, the Commission may decide not to undertake engagement with the community. This may involve proposals involving small numbers of ratepayers or where they have been consulted in other ways, or even referred the proposal themselves.</p> <p>After conducting an inquiry into an administrative proposal, the Commission must consult with the Minister on the matter (section 30(3)).</p>
<b>GENERAL PROPOSALS</b>		
<b><i>Initial Consideration of a Potential Proposal</i></b>	Refer Guideline 3 for proposals initiated by councils and Guideline 6 for proposals initiated by members of the public.	The Commission will receive the correspondence and advise the initiator of the proposal whether a detailed proposal can be referred for consideration.
<b><i>Referral of a Proposal to the Commission</i></b>	Refer Guideline 3 for proposals initiated by councils and Guideline 6 for proposals initiated by members of the public.	The Commission will assess the proposal in accordance with the guidelines and determine whether to inquire into the proposal or refuse to inquire into the proposal. The Commission may seek additional information to assist with its decision, and will directly notify the initiator of its decision.

PROPOSAL	BACKGROUND	MANDATORY REQUIREMENT
<b><i>Inquiry into a General proposal – Appointment of Investigators</i></b>	Refer Guideline 5 for information on the appointment of investigators.	<p>The Commission can appoint one or more investigators to undertake a detailed inquiry into a general proposal (section 31(1)(b)). However, the Commission <u>must</u> appoint investigators when a general proposal is referred to them by either the Minister or by resolution of either House of Parliament (section 31(1)(b)).</p> <p>The Commission will consult directly with affected councils on the proposed appointment of investigator(s) (section 31(2)(b)).</p>
<b><i>Inquiry into a General proposal – Costs</i></b>	Refer Guideline 8 for information on costs for general proposals initiated by a council or councils.	Section 32B of the Act provides for the Commission to recover reasonable costs of an inquiry in relation to a general proposal referred to the Commission by a council or councils. The Commission will consult with the initiating council on expected costs and any alterations to a proposal (if relevant).
<b><i>Inquiry into a General Proposal</i></b>	Refer Guideline 4 for proposals initiated by councils and Guideline 6 for proposals initiated by members of the public.	<p>Amongst other matters outlined in section 31(3)(b), an inquiry must consider—</p> <ul style="list-style-type: none"> <li>- The extent of support for the general proposal within the affected community;</li> <li>- The extent of support for the general proposal of any council affected by the general proposal; and</li> <li>- The impact on the various rights and interests of any council employees affected by the general proposal.</li> </ul> <p>The Commission will directly notify affected councils, the community and entities that represent the interests of affected council employees, of the boundary change proposal. The Commission may also request further information as part of its inquiry into the proposal.</p> <p><u>Engagement Plan</u></p> <p>An engagement plan will be designed for each proposal to ensure a flexible and tailored engagement approach. The following information will be included in engagement plans—</p> <ul style="list-style-type: none"> <li>- Background information on the boundary change proposal;</li> <li>- Purpose of the engagement;</li> <li>- Engagement objectives;</li> <li>- Scope of influence – aspects of the proposal which are negotiable and non-negotiable</li> <li>- Analysis of key stakeholders;</li> </ul>

PROPOSAL	BACKGROUND	MANDATORY REQUIREMENT
		<ul style="list-style-type: none"> <li>- Engagement approach, for example, activities and timing;</li> <li>- How the engagement activities address the engagement principles; and</li> <li>- Reporting on the outcome and how input has been used to inform the Commission's recommendations.</li> </ul>
<b><i>Notification of Outcome of an Inquiry</i></b>	Refer Guideline 4 for proposals initiated by councils and Guideline 6 for proposals initiated by members of the public.	Following completion of an inquiry, the Commission must give public notice of, and notify the person or body who referred the proposal; any council affected by the proposal; and any registered industrial association that represents the interests of council employees, of the Minister's determination (section 32(1)).

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**Contact details:**

Boundaries Commission

GPO Box 2329 Adelaide SA 5001

Phone: (08) 7109 7145

Email: [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au) (proposed)

Website: [http://www.dpti.sa.gov.au/local\\_govt/boundary\\_changes](http://www.dpti.sa.gov.au/local_govt/boundary_changes)

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# Caretaker Policy

Adopted by Council  
Reviewed and Adopted

27 April 2010  
22 July 2014

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## 1 Purpose

- 1.1 The Caretaker Policy (the Policy) sets the parameters Council will operate within during an election period. Caretaker provisions are required pursuant to Section 91A of the Local Government (Elections) Act 1999 and are regarded as essential for the promotion of transparent and accountable government during an election period.
- 1.2 During a Local Government election period, Council will assume a Caretaker mode and will avoid actions and decisions which could be perceived as intended to affect the results of an election or otherwise to have a significant impact on, or unnecessarily bind the incoming Council.

## 2 Scope

- 2.1 The Policy applies to Elected Members and to staff, and hence captures all designated decisions of Council, a Committee of Council, or a delegate of Council but not decisions of the Development Assessment Panel.

## 3 Definitions

- 3.1 Election period is the period which commences on the day of the close of nominations for an election (approximately 7 weeks before polling day for a periodic election, and at least 21 days before polling day for a general election) and terminates at the conclusion of an election (which is defined as the time at which the last result of the election is certified by the Returning Officer).
- 3.2 All references in the Policy to the Chief Executive Officer mean the appointed Chief Executive Officer or Acting Chief Executive Officer (or their nominee where appropriate).
- 3.3 Council staff refers to any person carrying out duties or performing tasks for and on behalf of City of Prospect, whether they are paid or unpaid.
- 3.4 Prohibited Decision means either a designated decision prohibited by legislation or a non designated decision agreed by Council to be prohibited during an election caretaker period.
- 3.5 **designated decision** means a decision:
  - (a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer or to suspend the Chief Executive Officer for serious and willful misconduct;
  - (b) to terminate the appointment of the Chief Executive Officer;
  - (c) to enter into a contract, arrangement or understanding (other than a contract for road works, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of Council's revenue from rates in the preceding financial year, except if the decision:

- (i) relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004*, or under section 298 of the *Local Government Act 1999*;
  - (ii) is an expenditure or other decision required to be taken under an agreement by which funding is provided to Council by the Commonwealth or State Government or otherwise for Council to be eligible for funding from the Commonwealth or State Government;
  - (iii) relates to the employment of a particular Council employee (other than the Chief Executive Officer);
  - (iv) is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of Council for the relevant financial year and the negotiations commenced prior to the election period; or
  - (v) relates to a Community Wastewater Management Systems scheme that has, prior to an election period, been approved by Council; or
- (d) allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates).
- 3.6 **general election** means a general election of council members held:
- (a) under section 5 of the Local Government (Elections) Act 1999; or
  - (b) pursuant to a proclamation or notice under the *Local Government Act 1999*
- 3.7 **periodic election** means an election to fill offices of a council held pursuant to section 5 of the Local Government (Elections) Act 1999 **LG Act** means the *Local Government Act 1999*.
- 3.8 **Minister** means the Minister for Local Government or other minister of the South Australian government vested with responsibility for the Local Government (Elections) Act 1999.

## 4 Legislative and Corporate Requirements

- 4.1 Section 91A of the Local Government (Elections) Act 1999.
- 4.2 Local Government Act 1999
- 4.3 Independent Commissioner Against Corruption Act 2012
- 4.4 The Caretaker Policy is to be read and implemented in conjunction with Council's other relevant policies, strategies and documents, including:
  - 4.4.1 Code of Conduct for Council Members
  - 4.4.2 Code of Conduct for Council Employees

## 5 Policy Statement

- 5.1 It is a long established democratic principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately, or unnecessarily bind the incoming Council.
- 5.2 The Policy affirms Council's commitment to fair and democratic elections, and adherence to this principle. The Policy includes a commitment to comply with the requirements of Section 91A of the Local Government (Elections) Act 1999.
- 5.3 During a Local Government election period, Council will assume a Caretaker mode, avoiding actions and decisions which either could, or could be perceived as intended to, influence voters or otherwise to have a significant impact on the incoming Council.
- 5.4 Council is committed to the conduct of open, fair and honest Local Government elections within its area.
- 5.5 Elected Members are committed to demonstrating fair, transparent and responsible behaviours during an election period.
- 5.6 Council staff will treat Elected Members and election candidates equally during an election period.

## 6 Application of Policy

- 6.1 The Policy applies to:
  - each periodic election of members of Council under the *Local Government (Elections) Act 1999*; and
  - each general election of members of Council held pursuant to a proclamation or notice under the *Local Government Act 1999*.
- 6.2 The Policy does not apply to:
  - supplementary elections.

6.3 The Policy applies during an *election period* of Council to cover:

- (a) designated decisions as defined in the *Local Government (Elections) Act 1999* that are made by Council; and
- (b) use of Council resources, including:
  - materials published by Council;
  - attendance and participation at functions and events;
  - access to Council information;
  - media services issues; and
  - responsibilities of Council staff;

## 7 Decision Making

Clause 7 applies to decisions of Council, a committee of Council, or a delegate of Council, including the Chief Executive Officer.

7.1 'Designated decisions' prohibited by the Local Government (Elections) Act 1999

The following table outlines those decisions which are expressly prohibited by section 91A of the *Local Government (Elections) Act 1999*.

<b>Designated Decisions</b>	
(a)	A decision relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer or to suspend the Chief Executive Officer for serious and wilful misconduct.
(b)	A decision to terminate the appointment of the Chief Executive Officer

(c)	<p>A decision to enter into a contract, arrangement or understanding (other than a contract for road works, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of Council's revenue from rates in the preceding financial year, except if the decision:</p> <ul style="list-style-type: none"> <li>(i) relates to the carrying out of works in response to an emergency or disaster within the meaning of the <i>Emergency Management Act 2004</i> or under section 298 of the <i>Local Government Act 1999</i>;</li> <li>(ii) is an expenditure or other decision required to be taken under an agreement by which funding is provided to Council by the Commonwealth or State Government or otherwise for Council to be eligible for funding from the Commonwealth or State Government;</li> <li>(iii) relates to the employment of a particular Council employee (other than the Chief Executive Officer);</li> <li>(iv) is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of Council for the relevant financial year and the negotiations commenced prior to an election period; or</li> <li>(v) relates to a Community Wastewater Management Systems scheme that has, prior to an election period, been approved by Council.</li> </ul>
(d)	<p>A decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election).</p>

Council notes that the *Local Government (Elections) Act 1999* stipulates that any designated decision made by Council during the election period without an exemption from the Minister is invalid. Furthermore, it also notes that Council is liable to pay compensation to any person who suffers loss or damage as a result of acting in good faith in reliance on such an invalid designated decision.

Council, if faced with extraordinary circumstances, may apply in writing to the Minister for an exemption. Council further notes that if the Minister chooses to grant an exemption it may be subject to any conditions or limitations that the Minister considers appropriate.

### **Scheduling consideration of designated decisions**

- 7.2 So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during an election period and ensure that such decisions:
- 7.2.1 are considered by Council prior to an election period; or
  - 7.2.2 are scheduled for determination by the incoming Council.
- 7.3 A 'significant decision' is any major policy or other decision which will significantly affect Council area or community or will bind the incoming Council.
- 7.4 A 'major policy' decision includes any decision (not being a designated decision):
- 7.4.1 to spend unbudgeted monies;
  - 7.4.2 to conduct unplanned public consultation;
  - 7.4.3 to endorse a new policy;
  - 7.4.4 to dispose of Council land;
  - 7.4.5 to approve community grants;
  - 7.4.6 to progress any matter which has been identified as an election issue; and
  - 7.4.7 any other issue that is considered a major policy decision by the Chief Executive Officer.
- 7.5 The determination as to whether or not any decision is significant will be made by the Chief Executive Officer, after consultation with the Mayor or Chairperson (as relevant).
- 7.6 Where the Chief Executive Officer has determined that a decision is significant, but circumstances arise that require the decision to be made during an election period, the Chief Executive Officer will report this to Council.
- 7.7 The aim of the Chief Executive Officer's report is to assist Council Members assess whether the decision should be deferred for consideration by the incoming Council.
- 7.8 The Chief Executive Officer's report to Council will address the following issues (where relevant):
- 7.8.1 why the matter is considered 'significant';
  - 7.8.2 why the matter is considered urgent;
  - 7.8.3 what are the financial and other consequences of postponing the matter until after an election, both on the current Council and the incoming Council;

- 7.8.4 whether deciding the matter will significantly limit options for the incoming Council;
- 7.8.5 whether the matter requires the expenditure of unbudgeted funds;
- 7.8.6 whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- 7.8.7 whether the matter requires community engagement;
- 7.8.8 any relevant statutory obligations or timeframes; and
- 7.8.9 whether dealing with the matter in an election period is in the best interests of Council area and community.
- 7.9 Council will consider the Chief Executive Officer's report and determine whether or not to make the decision.
- 7.10 Decisions made prior to an election period
- The Policy applies to actual decisions made during an election period, not the announcement of decisions made prior to the election period.

## 8 Use Of Council Resources

- 8.1 Council notes that Section 91A(8)(d) of the *Local Government (Elections) Act 1999* requires Council to prohibit the use of Council resources for the advantage of a particular candidate or group of candidates. This includes a candidate or candidates who are currently Elected Members of Council.
- 8.2 Council resources cover a wide range of personnel, goods, services, information and opportunities and may include (but is not limited to):
- iPads, council email addresses, council business cards
  - materials published by Council;
  - attendance and participation at functions and events;
  - access to Council information; and
  - media services issues.
- 8.3 Elected Members and staff will ensure that due propriety is observed in the use of Council resources, including social media accounts and must exercise appropriate judgement in this regard. Staff will not be permitted to publish social media comment from candidates.
- 8.4 Council resources, including officers, support staff, hospitality services, equipment and stationery must be used exclusively for normal Council business during an election period and, must not be used in connection with an election other than uses strictly relating to the election process.

- 8.5 The use of Council resources for personal benefit is distinct from a designated decision of a Council regarding the use of Council resources for the advantage of a particular candidate or group of candidates.
- 8.6 The use of Council resources for personal benefit is regulated by legislation other than section 91A of the Local Government (Elections) Act 1999. The use of Council resources by a Council Member for the purposes of an election campaign will be a use of those resources for personal benefit. Council Members standing for re-election to Council must take care that they only use Council resources for normal Council business and not to assist them in campaigning.
- 8.7 The general duties on Council Members under section 62 of the LG Act include offences for improper use of information or position to gain personal advantage for the Council Member or another person. A maximum penalty of \$10,000 or imprisonment for two years applies to these offences.
- 8.8 Section 78 of the LG Act provides for the use of Council resource by Council Members. Section 78(3) of the LG Act states:
- A member of council must not use a facility or service provided by council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by council and the member has agreed to reimburse council for any additional costs or expenses associated with this use).*
- 8.9 Both the Code of Conduct for Council Members and the Code of Conduct for Council Employees prohibit the use of Council resources for private purposes without authorisation.
- 8.10 The use of Council resources for personal benefit in breach of these requirements, could be misconduct or, if more severe, corruption under the Independent Commissioner Against Corruption Act 2012 and be the subject of a complaint to the office of Public Integrity (OPI).
- 8.11 Conduct of a public officer that results in a substantial mismanagement of public resources may also be the subject of a complaint to the OPI.
- 8.12 Disciplinary consequences or prosecutions may ultimately result from the unauthorised use of Council resources for private purposes.

## 9 Council Publications During an Election Period

### 9.1 Prohibition on publishing certain materials during an election period

Subject to the operation of Section 12(b) of the Local Government (Elections) Act 1999 Council must not:

- (a) print, publish or distribute; or
- (b) cause, permit or authorise others to print, publish or distribute on behalf of Council,

any advertisement, handbill, pamphlet or notice that contains 'electoral material' during an election period unless it is available to all candidates (refer Local Government (Elections) Act 1999, Section 91A(8)(d).

For the purposes of the Policy 'electoral material' means material which is calculated (i.e. intended or likely) to affect the result of an election. However, it does not include any materials produced by Council relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the returning officer for the purposes of conducting an election.

The Policy does not prevent publications by Council which merely announce the holding of an election or relate only to the election process itself for the purposes of Section 12(b) of the *Local Government (Elections) Act 1999* or otherwise. Council may provide information, education and publicity designed to promote public participation in the electoral processes for its area, and to inform potential voters about the candidates who are standing for election in its area. It will not publish material that refers to, or comments on, an issue submitted to or is otherwise before voters in connection with an election.

Elected Members are, however, permitted to publish campaign material on their own behalf, but cannot assert for that material to be originating from, or authorised by, Council (eg by the use of Council logos).

*NOTE: 'Publication' means any type of publication, including but not limited to leaflets, newspapers, posters, email, social media, website, radio etc.*

### 9.2 Council website

During an election period, new material which is prohibited by the Policy will not be placed on Council's website. Any information which refers to the election will only relate to the election process by way of information, education or publicity. Information about Elected Members will be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by Council.

Council's website will include an express link or reference to the Local Government Association publication of candidate profiles and electoral statements for the purposes of section 19A of the *Local Government (Elections) Act 1999*.

### 9.3 Other Council publications

Insofar as any Council publications, such as the Annual Report, are required to be published during an election period, the content contained within them regarding Elected Members will be restricted to that strictly required by the *Local Government Act 1999* and Regulations.

Council publications produced before an election period containing material which might be construed as electoral material will not be circulated or displayed during the election period. However, they may be made available to members of the public on request.

## 10 Attendance at Events and Functions During an Election Period

In this clause, reference to events and functions means gatherings involving external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, and social occasions such as dinners, receptions and balls.

### 10.1 Events staged by external bodies

Elected Members may continue to attend events and functions staged by external bodies during an election period.

### 10.2 Council events and functions

Council organised events and functions held during the election period will be reduced to only those essential to the operation of Council.

### 10.3 Addresses by Elected Members

Elected Members must not give speeches or keynote addresses at Council organised or sponsored events and functions during an election period.

Elected Members may, however, make short welcome speeches at Council organised or sponsored events and functions during an election period.

### 10.4 Publication of promotional material

In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the election period, such preparation will be consistent with Clause 7.1 of the Policy.

## **11 Access to Council Information, Services, Equipment & Facilities**

11.1 Elected Members continue during an election period to have a statutory right to access Council information relevant to the performance of their functions as an Elected Member. This right should be exercised with caution and limited to matters Council is dealing with within the objectives and intent of the Policy. Any Council information so accessed that is not publicly available must not be used for election purposes.

11.2 All candidates (including those that are Elected Members) have equal rights of access to public information relevant to their election campaigns from Council administration. Neither Elected Members nor candidates will be provided with information or advice from Council staff that might be perceived to support an election campaign, and there shall be transparency in the provision of all information and advice during an election period.

11.3 Information and briefing material

Information and briefing material prepared or secured by staff for an Elected Member during an election period must be necessary to the carrying out of the Elected Member's role and, where appropriate, provided to any candidate seeking the same information. Queries by staff regarding the provision of information will be directed to the Chief Executive Officer in the first instance.

11.4 Media Service

Council's media services are directly managed by or under the supervision of the Chief Executive Officer, are provided solely to promote Council activities or initiatives and must not be used in any manner that might favour a candidate during an election period.

11.5 Media advice

Any request for media advice or assistance from Elected Members during an election period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Elected Members.

11.6 Media releases / spokespersons

Media releases will not refer to specific Elected Members. Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will generally be the appropriate person.

11.7 Publicity campaigns

During an election period, publicity campaigns, other than for the purpose of conducting the election in accordance with the requirements of Section 12(b) of the Local Government (Elections) Act 1999, will be avoided wherever possible. Where a

publicity campaign is deemed necessary for a Council activity, it must be approved by the Chief Executive Officer.

In any event, Council publicity during an election period will be restricted to communicating normal Council activities and initiatives without any variation in form or size.

#### 11.8 Elected Members

Elected Members will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

#### 11.9 Council employees

During an election period, no Council employee may make any public statement that relates to an election issue unless such statements have been approved by the Chief Executive Officer.

#### 11.10 Council branding and stationery

No Council logos, letterheads, or other Council branding or Council resources or facilities may be used for, or linked in any way with, a candidate's election campaign.

#### 11.11 Equipment and facilities

Equipment and facilities provided to Elected Members for the purpose of conducting normal Council business must not be used for campaigning purposes.

## 12 Council Staff Responsibilities During an Election Period

Prior to any election period, the Chief Executive Officer will ensure all Council staff are advised in relation to the application of the Caretaker Policy.

#### 12.1 Correspondence

All correspondence addressed to Elected Members will be answered by the Chief Executive Officer during an election period.

#### 12.2 Activities that may affect voting

- (a) Council staff must not undertake an activity that may affect voting in the election, except where the activity relates to the election process and is authorised by the Chief Executive Officer;
- (b) Council staff must not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where

it only relates to the election process and is authorised by the Chief Executive Officer; and

- (c) Council staff must not assist Elected Members in ways that are or could create a perception that they are being used for electoral purposes, including campaigning on behalf of candidates through the use of social media. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the incident must be reported to and advice sought from the Chief Executive Officer.

### 12.3 Support staff to Elected Members

Council staff who provide support to Elected Members must not be asked to undertake any tasks connected directly or indirectly with an election campaign for a Elected Member.

## 13 Equity in Assistance to Candidates

13.1 Council confirms that all candidates for Council election will be treated equally.

### 13.1.1 Candidate assistance and advice

Any assistance and advice provided to candidates as part of the conduct of Council elections will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance.

## **14 Expenses incurred by Elected Members**

- 14.1 Payment or reimbursement of costs relating to Elected Members out-of-pocket expenses incurred during an election period will only apply to necessary costs that have been incurred in the performance of normal Council duties. No reimbursements will be provided for campaigning, or for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

## **15 Public Consultation During an Election Period**

- 15.1 It is prohibited under the Policy for discretionary public consultation to be undertaken during the election period on an issue which is contentious unless Council specifically resolves otherwise.
- 15.2 For the purpose of this provision, discretionary public consultation means consultation which is not legislatively mandated and is a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.
- 15.3 The Policy does not prevent any mandatory public consultation required by the Local Government Act 1999 or any other Act which is required to be undertaken to enable Council to fulfil its functions in relation to any matter or decisions which are not prohibited by law or by the Policy.
- 15.4 Approval for public consultation

Where public consultation is approved to occur during an election period, the results of that consultation will not be reported to Council until after the election period, except where it is necessary for the performance of functions as set out in clauses 15.1 to 15.3.

- 15.5 Community meetings

Community meetings will not be held during an election period.

## **16 Review**

- 16.1 The Caretaker Policy will be reviewed in line with Council's Corporate Governance Framework or as required by change in legislation.

## **17 Access to the Policy**

- 17.1 The Caretaker Policy is available for public inspection on Council's website [www.prospect.sa.gov.au](http://www.prospect.sa.gov.au) and from Customer Service at the Civic Centre, 128 Prospect Road, Prospect SA 5082.

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## 18 Further Information

18.1 For further information about the Policy please contact:

Director Corporate Services  
City of Prospect  
128 Prospect Road  
Prospect SA 5082

Phone: (08) 8269 5355  
Email: [admin@prospect.sa.gov.au](mailto:admin@prospect.sa.gov.au)

# Model Caretaker Policy

**under Section 91A of the Local Government (Elections) Act 1999**

**2018**

The *Model Caretaker Policy* has been prepared by the Local Government Association of SA (LGA) in conjunction with Wallmans Lawyers for the guidance of and use by member Councils. The LGA is the statutory peak body for Local Government in South Australia, representing all 68 Councils in the State.

This model policy was reviewed and updated in March 2018.

Enquiries regarding this publication should be directed to the LGA on 08 8224 2000.

## **Background to the Model Caretaker Policy**

The *Local Government (Elections) Act 1999* (SA) was amended in 2009 to require each Council to prepare and adopt a caretaker policy to govern the conduct of the Council and its staff during the election period for a general election. Section 91A of the Elections Act stipulates that the caretaker policy must at a minimum prohibit the making of certain designated decisions by the Council during an election period.

This model caretaker policy has been prepared on the basis of meeting the minimum legislative obligations. However, the Attachment provides additional discretionary provisions which Councils may choose to adopt in accordance with Council preferences.

# 1. Policy statement

This policy implements the statutory caretaker period requirements under section 91A of the *Local Government (Elections) Act 1999* (SA).

## 2. Definitions

In this Policy:

**Chief Executive Officer** means the appointed Chief Executive Officer or Acting Chief Executive Officer or nominee.

**council staff** means any person that is employed full-time, part-time or casually by the Council who receives remuneration for their work.

**Council Member** means an elected member of the <insert name of Council>.

**election period** means the period commencing on the day of the close of nominations for a general election and expiring at the conclusion of the general election.

**[OR delete whichever definition is not applicable]**

**election period** means the period:

- (a) commencing on <insert date>, being a day chosen by the Council for the purposes of the Policy, being a date earlier than the close of nominations for the general election; and
- (b) expiring at the conclusion of the general election.

**designated decision** means a decision:

- (a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer or to suspend the Chief Executive Officer for serious and willful misconduct;
- (b) to terminate the appointment of the Chief Executive Officer;
- (c) to enter into a contract, arrangement or understanding (other than a contract for road works, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year, except if the decision:
  - (i) relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004* (SA), or under section 298 of the *Local Government Act 1999* (SA);
  - (ii) is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;
  - (iii) relates to the employment of a particular Council employee (other than the Chief Executive Officer);
  - (iv) is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or

- (v) relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the Council; or
- (d) allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates).

**general election** means a general election of council members held:

- (a) under section 5 of the Local Government (Elections) Act; or
- (b) pursuant to a proclamation or notice under the *Local Government Act 1999* (SA).

**Minister** means the Minister for Local Government or other minister of the South Australian government vested with responsibility for the Local Government (Elections) Act.

### 3. Application of policy

- 3.1. This policy applies throughout the election period for a general election. For the purposes of the Local Government Elections of November 2018, the policy commences on 18 September 2018 *[or such earlier date as the Council resolves]* and ends at the conclusion of the election, when results have been declared.
- 3.2. This policy applies to:
  - 3.2.1. the Council; and
  - 3.2.2. Council staff.
- 3.3. This policy is to be taken to form part of the Code of Conduct for Council Employees gazetted for the purpose of section 110 of the Local Government Act.

### 4. Prohibition on designated decisions

- 4.1. The Council is prohibited from making a designated decision during an election period.
- 4.2. A decision of the Council includes a decision of:
  - 4.2.1. a committee of Council; and
  - 4.2.2. a delegate of Council.

**[OPTIONAL: Additional constraints on actions of the Council and Council staff during the election period could be included. Suggested text for 'other significant decisions' is included in the attachment.]**

### 5. Consequence of contravening this policy

- 5.1. A designated decision made by Council during an election period is invalid, except where an exemption has been granted by the Minister.
- 5.2. Any person who suffers loss or damage as a result of acting in good faith on a designated decision made by the Council in contravention of this policy is entitled to compensation from the Council for that loss or damage.
- 5.3. A breach of this policy is a breach of the Code of Conduct for Council Members and Code of Conduct for Council Employees.

## 6. Application for exemption

- 6.1. If the Council considers that it is faced with extraordinary circumstances which require the making of a designated decision during an election period, the Council may apply in writing to the Minister for an exemption to enable the making of a designated decision that would otherwise be invalid under section 91A of the Local Government (Elections) Act and this policy.
- 6.2. If the Minister grants an exemption to enable the making of a designated decision that would otherwise be invalid under section 91A of the Local Government (Elections) Act and this policy, then the Council and Council staff will comply with any conditions or limitations that the Minister imposes on the exemption.

## 7. Council endorsement

This Policy was adopted by resolution of the Council on **<insert date>**.

### ***Optional public consultation process:***

Council endorsed the Policy following public consultation on its draft Policy. Written submissions commenting on the draft Policy were invited within 4 weeks of a notice appearing in the **<insert publication/s>** on **<insert date>**.

<Submissions received were considered and taken into account in preparing this Policy. **OR** No submissions were received during this period.>

Any future amendment or alteration (other than minor) to the Policy or a substitution of a new Policy, will be subject to public consultation in accordance with Council's Public Consultation Policy.

## 8. Review and evaluation

This Policy is scheduled for review by Council on **<insert date>**.

## 9. Availability of policy

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website **<insert details>**. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's schedule of fees and charges.

## Attachment: Discretionary Text

- The text in this attachment is in addition to the minimum statutory requirements for Councils' caretaker policies required by section 91A of the Local Government (Elections) Act.

### 5. Treatment of Other significant decisions

- 5.1. So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during an 'election period' and ensure that such decisions:
  - 5.1.1. are considered by Council prior to the 'election period'; or
  - 5.1.2. are scheduled for determination by the incoming Council.
- 5.2. A 'significant decision' is any major policy or other decision which will significantly affect the Council area or community or will bind the incoming Council.
- 5.3. A 'major policy' decision includes any decision (not being a designated decision):
  - 5.3.1. to spend unbudgeted monies;
  - 5.3.2. to conduct unplanned public consultation;
  - 5.3.3. to endorse a new policy;
  - 5.3.4. to dispose of Council land;
  - 5.3.5. to approve community grants;
  - 5.3.6. to progress any matter which has been identified as an election issue; and
  - 5.3.7. any other issue that is considered a major policy decision by the Chief Executive Officer.
- 5.4. The determination as to whether or not any decision is significant will be made by the Chief Executive Officer, after consultation with the Mayor or Chairperson (as relevant).
- 5.5. Where the Chief Executive Officer has determined that a decision is significant, but circumstances arise that require the decision to be made during the election period, the Chief Executive Officer will report this to the Council.
- 5.6. The aim of the Chief Executive Officer's report is to assist Council Members assess whether the decision should be deferred for consideration by the incoming Council.
- 5.7. The Chief Executive Officer's report to Council will address the following issues (where relevant):
  - 5.7.1. why the matter is considered 'significant';
  - 5.7.2. why the matter is considered urgent;
  - 5.7.3. what are the financial and other consequences of postponing the matter until after the election, both on the current Council and the incoming Council;
  - 5.7.4. whether deciding the matter will significantly limit options for the incoming Council;
  - 5.7.5. whether the matter requires the expenditure of unbudgeted funds;

- 5.7.6. whether the matter is the completion of an activity already commenced and previously endorsed by Council;
  - 5.7.7. whether the matter requires community engagement;
  - 5.7.8. any relevant statutory obligations or timeframes; and
  - 5.7.9. whether dealing with the matter in the election period is in the best interests of the Council area and community.
- 5.8. Council will consider the Chief Executive Officer's report and determine whether or not to make the decision.

# Caretaker Guidelines

2018

The *Caretaker Guidelines* has been prepared by the Local Government Association of SA (LGA) in conjunction with Wallmans Lawyers for the guidance of and use by member Councils. The LGA is the statutory peak body for Local Government in South Australia, representing all 68 Councils in the State.

These Guidelines were reviewed and updated March 2018.

Enquiries regarding this publication should be directed to the LGA on 08 8224 2000.

# Introduction

The *Local Government (Elections) Act 1999* (SA) was amended in 2009 to require each Council to prepare and adopt a caretaker policy to govern the conduct of the Council and its staff during the election period for a general election. Section 91A of the Elections Act stipulates that the caretaker policy must at a minimum prohibit the making of certain designated decisions by the Council during an election period.

The Local Government Association of SA (LGA) has prepared a model caretaker policy on the basis of meeting the minimum legislative obligations under section 91A of the Elections Act.

These guidelines are a supplement to the model caretaker policy and provide an overview of the scope and meaning of the legislative requirements under section 91A of the Local Government (Elections) Act. Terms which are defined in the model caretaker policy have the same meanings in these guidelines.

These guidelines also examine the difference between decisions by a Council during an election period allowing the use of Council resources for the advantage of a candidate or particular candidate in a general election and the use by a person of Council resources for personal benefit.

# 1. Section 91A, Local Government (Elections) Act

## 1.1. Overview

Under the Local Government (Elections) Act, a Council's caretaker policy must at a minimum prohibit the Council from making designated decisions during an election period.

There are three elements to this prohibition:

- (a) a decision of the Council;
- (b) during an election period
- (c) which is a designated decision.

Each of these elements is described below.

The Local Government (Elections) Act stipulates that any designated decision made by a Council during an election period without a ministerial exemption is invalid.

Any person who suffers loss or damage as a result of acting on a designated decision made in contravention of section 91A of the Local Government (Elections) Act is entitled to compensation from the Council for that loss or damage.

## 1.2. Decision of the Council

Section 91A of the Local Government (Elections) Act only applies to a decision of the Council. This will include decisions made directly by the Council or indirectly through a Council committee or delegate.

A personal decision of a Council Member, or a Council employee who is not acting under a delegation, is not a decision of a Council and, consequently, cannot be a designated decision for the purposes of section 91A of the Local Government (Elections) Act.

## 1.3. Election Period

During an election period Councils are prohibited from making designated decisions, unless an exemption has been granted by the Minister.

Section 91A of the Local Government (Elections) Act prohibits the making of designated decisions during an election period. An election period:

- (a) commences on either:
  - (i) the day on which nominations for a general election close; or
  - (ii) if a Council's caretaker policy specifies an earlier date, that date;and
- (b) expires at the conclusion of the general election.

A decision which is made prior to the election period, but announced during the election period, will not be a designated decision for the purposes of section 91A of the Local Government (Elections) Act.

## 1.4. Designated Decisions

Only specific types of decision will be designated decisions under section 91A of the Local Government (Elections) Act. The designated decisions are outlined below.

Designated decisions	
(a)	A decision relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer or to suspend the Chief Executive Officer for serious and willful misconduct.
(b)	A decision to terminate the appointment of the Chief Executive Officer.
(c)	<p>A decision to enter into a contract, arrangement or understanding (other than a contract for road works, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year, except if the decision:</p> <ul style="list-style-type: none"><li>(i) relates to the carrying out of works in response to an emergency or disaster within the meaning of the Emergency Management Act 2004 (SA) or under section 298 of the Local Government Act 1999 (SA);</li><li>(ii) is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;</li><li>(iii) relates to the employment of a particular Council employee (other than the Chief Executive Officer);</li><li>(iv) is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or</li><li>(v) relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the Council.</li></ul>
(d)	A decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election).

## 2. Decisions relating to the employment of the Chief Executive Officer

### Scope of Designated Decision

Certain Council decisions regarding the Chief Executive Officer made during an election period will be designated decisions.

Any decision relating to the employment or remuneration of the Chief Executive Officer, other than a decision to:

- (a) appoint an acting Chief Executive Officer; or
- (b) suspend a Chief Executive Officer for serious and willful misconduct,

will be a designated decision.

## 3. Specific contracting decisions

### 3.1. Scope of Designated Decision

Certain Council decisions regarding specific types of contracts made during an election period will be designated decisions.

Generally, a decision to enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year. However, there are exclusions from this general position provided in section 91A of the Local Government (Elections) Act and the Local Government (Elections) Regulations 2010 (SA).

### 3.2. 'Prescribed Contracts'

Prescribed contracts are expressly excluded from the types of contracts which are able to be the subject of a designated decision. A 'prescribed contract' is defined in section 91A of the Local Government (Elections) Act to mean a contract entered into by a Council for the purpose of undertaking road construction, road maintenance or drainage works.

### 3.3. Exemptions

Other types of contracts are excluded from being the subject of a designated decision by the Local Government (Elections) Regulations. These types of decision are decisions:

- (a) relating to the carrying out of works in response to an emergency or disaster within the meaning of the Emergency Management Act or under section 298 of the Local Government Act;
- (b) for an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;
- (c) relating to the employment of a particular Council employee (other than the Chief Executive Officer);
- (d) made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if

- provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or
- (e) relating to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the Council.

## 4. Decisions concerning the use of Council resources

### 4.1. Scope of Designated Decision

A decision of Council allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election) made during an election period is a designated decision.

Designated decisions do not include individual decisions of Council Members or Council staff to utilise Council resources for personal benefit. For example, the use of Council resources by a Council Member for the purposes of his or her election campaign is not a designated decision for the purposes of section 91A of the Local Government (Elections) Act.

There are constraints on the personal use of Council resources under the Local Government Act and the gazetted code of conduct applying to council members. These provisions are discussed in Part 7 of these guidelines.

### 4.2. Council Resources

'Council resources' is a broad concept which is undefined in the Local Government (Elections) Act. A general definition of the term 'resources' provided in the *Macquarie Dictionary* is '*the collective wealth and assets of a country, organisation, individual*'. Applying this definition, any asset or information owned or controlled by a Council is a 'Council resource'.

Council resources may include:

- (a) materials published by Council;
- (b) facilities and goods owned by the Council;
- (c) attendance and participation at functions and events;
- (d) access to Council information; and
- (e) media services.

Council staff and contractors engaged by a Council are also Council resources.

### 4.3. Meaning of 'Advantage'

The concept of 'advantage' is broad and is defined in the *Macquarie Dictionary* as '*any state, circumstance, opportunity, or means especially favourable to success, interest, or any desired end*'. In the context of section 91A of the Local Government (Elections) Act, the relevant advantage is in respect of being elected or re-elected.

An advantage will be conferred where a decision allowing the use of Council resources favours one candidate over another. An advantage arises when a

candidate utilises resources, information or support that is not available to a candidate in an election who is not an existing Council Member.

The Ombudsman has given 'advantage' a broad interpretation. The Ombudsman's view is that any activity that gives a perception of favouring one candidate over another is an advantage. Whether the scope of the 'advantage' under section 91A of the Local Government (Elections) Act extends to a perceived advantage is likely to be a matter for debate. Councils should, however, be aware of this view when making decisions during an election period.

#### **4.4. Normal Council Business or Campaigning?**

There is no relevant advantage where Council resources are used exclusively for normal Council business during an 'election period' and are not used in connection with a candidate's election campaign.

Where Council Members are standing for re-election, the Council should consider whether a decision to use Council resources made during the election period will provide an advantage to existing Council Members (or other particular candidates) in their election campaigns. Where there will be an advantage then the decision is a designated decision and is prohibited by section 91A of the Local Government (Elections) Act.

Where a decision to use Council resources for the ordinary business of the Council is made during the election period then, provided that no particular candidate or candidates in are favoured in their campaigning, this will not be a designated decision.

Reasonable minds are likely to differ over whether the use of particular Council resources will advantage particular candidates. Due propriety and appropriate judgment should be exercised in making decisions to use Council resources during election periods to ensure that the Council and its Members are not open to criticism.

## **5. Use of Council resources for personal benefit**

The use of Council resources for personal benefit is distinct from a designated decision of a Council regarding the use of Council resources for the advantage of a particular candidate or group of candidates.

The use of Council resources for personal benefit is regulated by legislation other than section 91A of the Local Government (Elections) Act. The use of Council resources by a Council Member for the purposes of an election campaign will be a use of those resources for personal benefit. Council Members standing for re-election to Council must take care that they only use Council resources for normal Council business and not to assist them in campaigning.

The general duties on Council Members under section 62 of the LG Act include offences for improper use of information or position to gain personal advantage for the Council Member or another person. A maximum penalty of \$10,000 or imprisonment for two years applies to these offences.

Section 78 of the Local Government Act provides for the use of Council resource by Council Members. Section 78(3) of the Local Government Act states:

*A member of a council must not use a facility or service provided by the council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use).*

The Code of Conduct for Council Members also prohibit the use of Council resources for private purposes without authorisation.

The use of Council resources for personal benefit in breach of these requirements could be corruption or misconduct for the purpose of the *Independent Commissioner Against Corruption Act 2012* (SA) and be the subject of a complaint to the office of Public Integrity (OPI).

Conduct of a public officer that results in a substantial mismanagement of public resources may also be the subject of a complaint to the OPI.

Disciplinary consequences or prosecutions may ultimately result from the unauthorised use of Council resources for private purposes.

## 6. Specific Council resource scenarios

The business of a Council does not cease during an election period. Council resources will continue to be used during the election period. There is a distinction between the use of Council resources in the ordinary course of Council operations and the use of Council resources by a candidate or group of candidates for campaigning purposes. Where resources are used for campaign purposes, this will be the use of Council resources for personal benefit.

During an election period, Council Members and Council staff must take care that Council resources are not used for the purpose of election campaigning. Some specific scenarios are discussed below where this issue may arise.

### 6.1. Council publications during an 'election period'

A decision by a Council to publish information for the advantage of a particular candidate or group of candidates (other than a decision which allows for the equal use of Council resources by all candidates for election) is a designated decision and is prohibited by section 91A of the Local Government (Elections) Act. Publishing includes publication by any medium, including but not limited to leaflets, newspapers, posters, email, websites, radio or television.

Councils have a statutory responsibility to publish certain information regarding general elections. Under section 12(b) of the Local Government (Elections) Act, each Council is responsible for the provision of information, education and publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area and to advise its local community about the outcome of the elections and polls conducted in its area.

All election materials published by a Council should fall within the types of material described in section 12(b) of the Local Government (Elections) Act and not contain any material which would advantage a particular candidate or candidates.

'Electoral material' is defined in the Local Government (Elections) Act as '*an advertisement, notice, statement or representation calculated to affect the result of an election or poll*'. Given that the purpose of electoral material is to persuade voters towards a particular candidate or group of candidates, it will not be appropriate for a Council to publish electoral material.

Councils may publish other material during an election period. If Council is considering making a decision during the election period to publish material, the Council should consider whether or not the material would confer an advantage on a particular candidate or group of candidates for election. If an advantage would be conferred then the decision would be a designated decision.

Where a Council publication made in the ordinary course of Council operations would be published during an election period (and this is not the subject of a Council decision made during the election period), the publication will not contravene section 91A of the Local Government (Elections) Act. Care should be taken, however, as to the contents of these publications to ensure that the Council and Council Members are not criticised for publishing information which may assist Council Members to be re-elected.

Council Members are able to publish electoral material on their own behalf (provided that they comply with sections 27 and 28 of the Local Government (Elections) Act)). Council Members should not assert or imply that the electoral material originates from or is endorsed by the Council. A Council Member also should not use Council resources to create or distribute his or her electoral material, including through the use of Council stationary, computers, printers, photocopiers or staff or the application of the Council's logos.

## **6.2. Attendance at Events and Functions**

Events and functions can take many forms including conferences, workshops, forums, launches, promotional activities, and social occasions (such as dinners, receptions and balls).

Council Members can continue to attend events and functions during an election period provided that their attendance is consistent with the ordinary course of the Council Member's duties and is not used for campaigning.

Council Members should consider whether or not their attendance at an event or function is likely to be viewed as campaigning. In part, this may depend on the conduct of the Council Member while in attendance at the event or function. Care should particularly be taken by Council Members if they are asked to give a speech at an event or function during an election period.

## **6.3. Access to Council Information**

Section 61 of the Local Government Act provides Council Members with a right to access Council documents in connection with the performance or discharge of the functions or duties of the member. This right of access continues during an election period.

Council Members should take care that access to Council documents is in connection with the performance or discharge of their functions or duties of the member. Access to Council documents for the purpose of campaigning or to gain an advantage in an election is an improper use of information gained by virtue of the Council Member's position as a member of Council.

Council Members can be prosecuted for the improper use of Council information to gain an advantage for themselves or another person. Maximum penalties of \$10,000 or two years imprisonment apply.

#### **6.4. Media Services**

Council's media services should be used to promote Council activities or initiatives or community activities or initiatives which are endorsed or otherwise supported by Council.

Media services should, during the election period, be used in the ordinary course of Council operations. Care should be taken that media services will not be used to advantage a particular Council Member in his or her re-election campaign by profiling that member or activities which are closely associated with that member.

Council Members should not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign. To do so, would contravene section 62(4) of the Local Government Act which prohibits a Council Member improperly using his or her position as a Council member to gain, directly or indirectly, an advantage for himself or herself or for another person. Council Members can be prosecuted for this offence. Maximum penalties of \$10,000 or two years imprisonment apply.

#### **6.5. Public Consultation During an Election Period**

Public consultation must be undertaken during an election period if the consultation is mandated by legislation.

Where consultation is discretionary then the consultation can occur during the election period. Consideration should be given prior to the consultation being scheduled as to whether or not the consultation will influence the outcome of the election. If the matter subject to the consultation is likely to be closely associated in the minds of voters with a particular candidate or group of candidates then it may be prudent to delay the consultation until after the election period.

#### **6.6. Expenses Incurred by Council Members**

Payment or reimbursement of costs relating to Council Members' out-of-pocket expenses incurred during an election period will only apply to necessary costs that have been incurred in the performance of normal Council duties. This is consistent with general requirements applying to the reimbursement of Council Members under section 77 of the Local Government Act.

No reimbursements should be provided for campaign expenses or for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

#### **6.7. Council Branding and Stationery**

Councils should not endorse particular candidates for election. Council logos, letterheads, or other Council branding or Council resources or facilities should not be used for a candidate's election campaign.

## **6.8. Support Staff to Council Members**

Council staff who provide support to Council Members should not be asked to undertake any tasks connected directly or indirectly with an election campaign for a Council Member, except where similar support is provided to all candidates.

## **6.9. Equipment and Facilities**

Council resources such as Council computers, stationary and business cards can continue to be used by Council Members during an election period for normal Council business. Council resources should not be used for campaign purposes as this will contravene the Local Government Act and the Code of Conduct for Council Members (see discussion in Part 7).

# **7. Council staff activities during an election period**

Council staff should not undertake any activity that may influence the outcome of an election, except where the activity relates to the election process and is authorised by the Chief Executive Officer.

Council staff should not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer. This includes making Council resources available to Council Members for campaign purposes.

Council staff must not assist a Council Member with the Member's election campaign.

Where the use of Council resources could be construed as being related to a candidate's election campaign, the incident must be reported to the Chief Executive Officer.

All Council staff must also comply with the mandatory reporting directions and guidelines issued by the Independent Commissioner Against Corruption if these apply.

A breach of this policy is a breach of the Code of Conduct for Council Employees.

# **8. Equity of assistance to candidates**

## **8.1. Candidate Assistance and Advice**

Councils should not favour a candidate or group of candidates for election, over other candidates.

Any assistance or advice provided to candidates as part of the conduct of an election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated transparently to all candidates in advance.

## **8.2. Election Process Enquiries**

All election process enquiries from candidates, whether current Council Members or not, are to be directed to the Electoral Commissioner as the returning officer or, where the matter is outside of the responsibilities of the returning officer, to the Chief Executive Officer or his or her nominee.

## Council Elections Communications Plan Summary

<b>2018 Local Government Elections Timetable</b>	
Roll closes	5pm Friday 10 August 2018
Nominations Open	Tuesday 4 September 2018
Nominations Close	Midday Tuesday 18 September 2018
Caretaker period	Tuesday 18 September to close of election
Mail out of voting materials	Monday 22 – Friday 26 October 2018
Close of voting	5pm Friday 9 November 2018

### ***Primary audience for stage 1 – Enrol***

Every person who is on the State electoral roll (which will have been updated in March for the State election) will automatically receive a voting pack. We are therefore targeting the exceptions: Non-Australian citizens, local businesses and bodies-corporate, non-resident landlords, people who have recently moved house

### ***Primary audience for stage 2 – Nominate***

While the ability to nominate is open to everyone who is eligible to vote, targeting our communication to underrepresented groups will not only assist to broaden representation, it will overlap with/ 'bleed' into the mainstream audience.

### ***Primary audience for stage 3 – Vote***

All people who have received a postal voting pack (i.e. South Australian men and women, aged 18+ who are registered on the State or supplementary voters roll), including regional and metro residents.

## **Key Messages**

The overarching council elections message is about encouraging people to exercise their right to have a say about the way they want to live:

- "Make a difference"
- Participating in your Council election is one of the most direct ways that you can assist Council in making decisions that affect everyday life in your community.
- City of Prospect has a strong desire to see a diverse representation on Council.
- Ideally the makeup of our Council will more closely reflect the composition of our local community. This way Council will have a better understanding of the needs of the different groups within our community.

## **Communications Tools/Methods**

Flyers, book marks and posters	Email signature banner
Dedicated page on the website	Direct mail to prior supplementary roll
LGA supplied banners	Network Prospect e-newsletter/ website/social media
Rates notice insert	Rates notice envelope messaging
Social media pages	Media releases/pitch to media
Prospect Magazine	Newspaper advertising
On hold messaging	Candidates website (LGA)
Prospect Spring Fair Stall	Candidates Information Session